

**AN ACT  
D.C. ACT 16-578**

**IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
DECEMBER 28, 2006**

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To approve, on an emergency basis, the award of Human Care Agreement No. RM-07-HCA-MHRS-018 for mental health rehabilitation services for persons with mental health disabilities and to authorize the award of a task order and payment for the services received under that human care agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Psychotherapeutic Outreach Services Human Care Agreement No. RM-07-HCA-MHRS-018 Approval and Payment Authorization Emergency Act of 2006".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Human Care Agreement No. RM-07-HCA-MHRS-018, effective October 3, 2006, through September 30, 2007, for the provision of necessary mental health rehabilitation services for persons with mental health disabilities, not-to-exceed \$1,271,182, is approved and payment is authorized for services received under modified Task Order 001 placed against the human care agreement.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

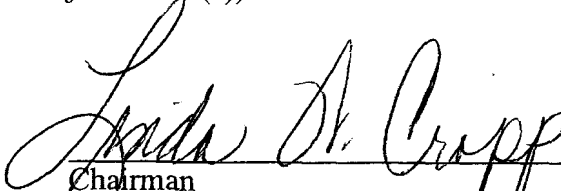
Sec. 4. Effective date.

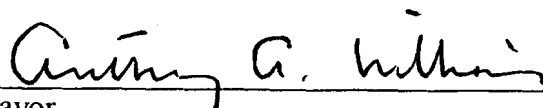
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a)

**JAN 19 2007**

**ENROLLED ORIGINAL**

of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

AN ACT

D.C. ACT 16-579

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To approve, on an emergency basis, the award of Human Care Agreement No. RM-07-HCA-MHRS-016 for mental health rehabilitation services for persons with mental health disabilities and to authorize the award of a task order and payment for the services received under that human care agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anchor Mental Health Association Human Care Agreement No. RM-07-HCA-MHRS-016 Approval and Payment Authorization Emergency Act of 2006".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Human Care Agreement No. RM-07-HCA-MHRS-016 for the provision of necessary mental health rehabilitation services for persons with mental health disabilities, not-to-exceed \$1,772,718, is approved and payment is authorized for services received under modified Task Order No. 001 placed against the human care agreement.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

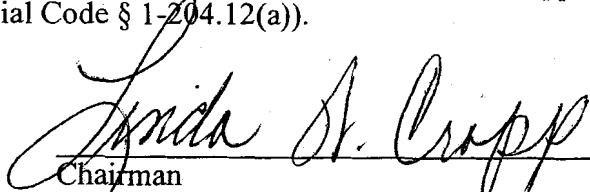
Sec. 4. Effective date.

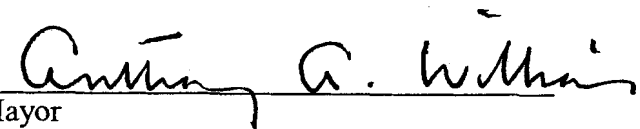
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JAN 19 2007

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

AN ACT

D.C. ACT 16-580

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To approve, on an emergency basis, the award of Human Care Agreement No. RM-07-HCA-MHRS-013 for disabilities and to authorize the award of a task order and payment for the services received under that human care agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Psychiatric Center Chartered Human Care Agreement No. RM-07-HCA-MHRS-013 Approval and Payment Authorization Emergency Act of 2006".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Human Care Agreement No. RM-07-HCA-MHRS-013, effective October 3, 2006, through September 30, 2007, for the provision of necessary mental health rehabilitation services for persons with mental health disabilities, not-to-exceed \$1,169,283, is approved and payment is authorized for services received under modified Task Order 001 placed against the human care agreement.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 4. Effective date.

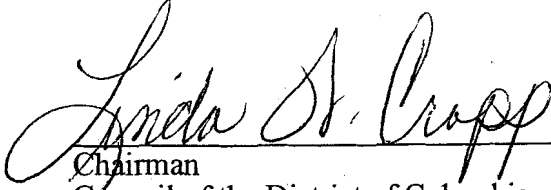
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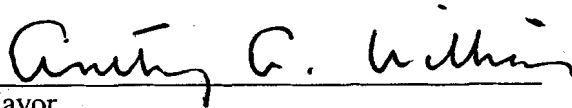
JAN 19 2007

**DISTRICT OF COLUMBIA REGISTER**

**ENROLLED ORIGINAL**

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code §1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

AN ACT  
D.C. ACT 16-581

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
DECEMBER 28, 2006

To approve, on an emergency basis, the award of Human Care Agreement No. RM-07-HCA-MHRS-015 for mental health rehabilitation services for persons with mental health disabilities and to authorize award of task orders and payment for the services received under that human care agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Planned Parenthood Human Care Agreement No. RM-07-HCA-MHRS-015 Approval and Payment Authorization Emergency Act of 2006".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Human Care Agreement No. RM-07-HCA-MHRS-016 for the provision of necessary mental health rehabilitation services for persons with mental health disabilities, not-to-exceed \$1,063,065, is approved and payment is authorized for services received under modified Task Order No. 001 placed against the human care aAgreement.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

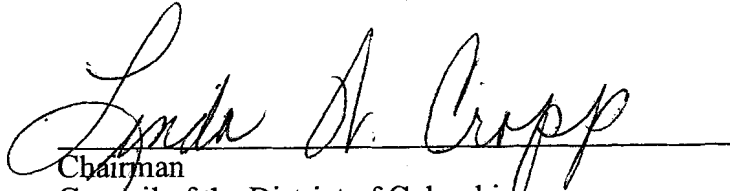
Sec. 4. Effective date.

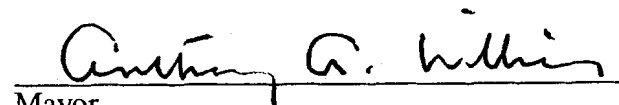
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

JAN 19 2007

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

JAN 19 2007

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-582

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To approve, on an emergency basis, the award of Human Care Agreement No. RM-07-HCA-MHRS-022 for mental health rehabilitation services for persons with mental health disabilities and to authorize award of task orders and payment for the services received under that human care agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pathways to Housing Human Care Agreement No. RM-07-HCA-MHRS-022 Approval and Payment Authorization Emergency Act of 2006".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Human Care Agreement No. RM-07-HCA-MHRS-022 for the provision of necessary mental health rehabilitation services for persons with mental health disabilities, not-to-exceed \$1,365,523, is approved and payment is authorized for services received under modified Task Order No. 001 placed against the human care agreement.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

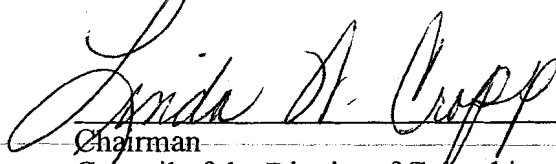
Sec. 4. Effective date.

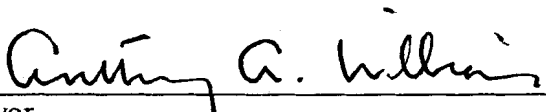
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

JAN 19 2007

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

AN ACT  
D.C. ACT 16-583

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
DECEMBER 28, 2006

To approve, on an emergency basis, the award of Human Care Agreement No. RM-07-HCA-MHRS-030 for mental health rehabilitation services for persons with mental health disabilities and to authorize the award of a task order and payment for the services received under that human care agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Hospital Center Human Care Agreement No. RM-07-HCA-MHRS-030 Approval and Payment Authorization Emergency Act of 2006".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Human Care Agreement No. RM-07-HCA-MHRS-030, effective October 3, 2006, through September 30, 2007, for the provision of necessary mental health rehabilitation services for persons with mental health disabilities, not-to-exceed \$1,379,688, is approved and payment is authorized for services received under modified Task Order 001 placed against the human care agreement.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

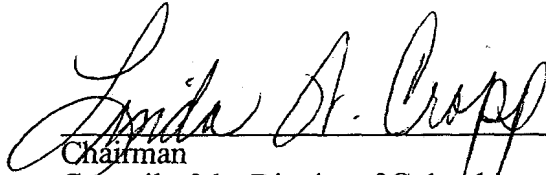
Sec. 4. Effective date.

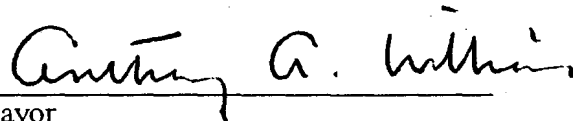
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

JAN 19 2007

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

AN ACT  
D.C. ACT 16-584

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
DECEMBER 28, 2006

To approve, on an emergency basis, the award of Human Care Agreement No. RM-07-HCA-MHRS-010 for mental health rehabilitation services for persons with mental health disabilities, and to authorize the award of a task order and payment for the services received under that human care agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Life Stride Human Care Agreement No. RM-07-HCA-MHRS-010 Approval and Payment Authorization Emergency Act of 2006".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Human Care Agreement No. RM-07-HCA-MHRS-010 for the provision of necessary mental health rehabilitation services for persons with mental health disabilities, not-to-exceed \$1,370,444, is approved and payment is authorized for services received under modified Task Order No. 001 placed against the human care agreement.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

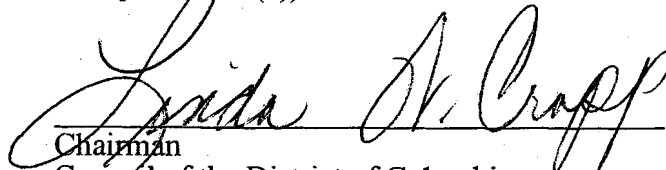
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

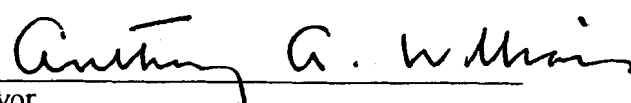
JAN 19 2007

**DISTRICT OF COLUMBIA REGISTER**

**ENROLLED ORIGINAL**

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code § 1-20412(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-585

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2007 Winter  
Supp.West Group  
Publisher

To amend section 47-1803.3(b-1) of the District of Columbia Official Code to correctly state the defined term "long-term care insurance"; to amend the Fiscal Year 2006 Budget Submission Amendment Act of 2005 to correct and re-codify a provision regarding the revaluation of certain real property for triennial groups 1 and 2 for purposes of the real property tax cap; to amend the DC-USA Economic Development Act of 2006 to correct a cross reference and the effective date clause; to amend the Arena Tax Amendment Act of 1994 to clarify and provide the real property tax exemption of the MCI Arena in accordance with a certain executed and recorded ground lease; to amend the Fiscal Year 2006 Budget Submission Amendment Act of 2005 to add a section heading to the table of contents and text of Title 47 of the District of Columbia Official Code; to amend the Lot 878 Square 456 Tax Exemption Clarification Act of 2004 to correct a typographical error; to amend Title 47 of the District of Columbia Official Code to conform the language to the Council's legislative drafting conventions, strike a subsection designation, correct a grammatical error, and to strike a redundant term; to repeal the Heating Oil Clarification Act of 2004; to amend section 47-2763 of the District of Columbia Official Code to conform the language to the Council's legislative drafting conventions; to amend Title 47 of the District of Columbia Official Code to correct grammatical and punctuation errors, change paragraph designations to subparagraph designations, to designate an undesignated paragraph, and to conform the language to the Council's legislative drafting conventions; to amend Title 47 of the District of Columbia Official Code to correct the text of a section heading; to repeal section 47-2862(a)(9) of the District of Columbia Official; to amend the Parkside Terrace Economic Development Act of 2006 to correct typographical errors; to amend section 47-864 of the District of Columbia Official Code to make a clarifying amendment; to amend Title 47 of the District of Columbia Official Code to re-codify the limitation on deduction for royalty payments by corporations, which is currently codified in a subsection relating to individuals, estates, and trusts, to a new section; and to amend the Unsolicited Proposal Submitted by Washington Properties, Inc./Square 673 Partners for the Negotiated Disposition of 59 M Street, N.E., Resolution of 1994 to add a cross

## DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

reference to the relevant sections of the D.C. Official Code that was inadvertently omitted.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Finance and Revenue Technical Amendments Second Emergency Amendment Act of 2006".

Sec. 2. Section 47-1803.03(b-1) of the District of Columbia Official Code is amended by striking the phrase "long term-health care insurance" and inserting the phrase "long-term care insurance" in its place.

Sec. 3. The Fiscal Year 2006 Budget Support Act of 2005 is amended as follows:

(a) Section 1172 is amended by striking the section designation "47-4607" wherever it appears and inserting the section designation "47-4605" in its place.

(b) Section 1182 is amended as follows:

(1) The lead-in language is amended to read as follows:

"Section 47-3505 of the District of Columbia Official Code is amended by adding a new subsection (f) to read as follows:"

(2) Strike the phrase "(3)(A) Subject to" and insert the phrase "(f)(1) Subject to" in its place.

(3) Strike the phrase "subparagraphs (B) and (C) of this paragraph" and insert the phrase "paragraphs (2) and (3) of this subsection" in its place.

(4) Strike the phrase "(B) Recordation" and insert the phrase "(2) Recordation" in its place.

(5) Strike the phrase "subparagraph (A) of this paragraph" and insert the phrase "paragraph (1) of this subsection" in its place.

(6) Strike the phrase "(C) Real property" and insert the phrase "(3) Real property" in its place.

(c) Section 1286 is amended to read as follows:

"Sec. 1286. Section 47-864(b)(1)(B)(I) of the District of Columbia Official Code is amended to read as follows:

"(i) For tax year 2006:

"(I) The current tax year's taxable assessment shall be determined by subtracting \$22,000 from 110% of the prior tax year's taxable assessment;

"(II) The prior tax year's taxable assessment for taxable real property located in triennial groups 1 and 2, as designated by the Office of Tax and Revenue, that has been owned and occupied continuously by the same owner since October 1, 2001, shall be recalculated by applying a 12% cap as of October 1, 2001; and

"(III) This sub-subparagraph shall apply as of October 1, 2005;"

## DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

(d) Section 2052 is amended as follows:

- (1) Strike the section designation "3" both times it appears and insert the section designation "2a" in its place.
- (2) Strike the phrase "problems areas" and insert the phrase "problem areas" in its place.

Sec. 4. The DC-USA Economic Development Act of 2006 is amended as follows:

(a) Section 2 is amended by striking the section designation "47-4606" wherever it appears and inserting the section designation "47-4608" in its place.

(b) Section 4 is amended to read as follows:

"This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register."

Sec. 5. (a) Section 3 of the Arena Tax Amendment Act of 1994 is amended to read as follows:

"(a) Notwithstanding any other law, that portion of the real property, described as lot 0047 in square 0455, in preparation for occupation and use, under construction for occupation or use, or occupied and used as a multi-purpose arena and related amenities shall be exempt from real property taxation, possessory interest taxation and business improvement district taxation.

"(b) The exemption provided by this section shall apply so long as the Land Disposition Agreement - Ground Lease, by and between The District of Columbia Redevelopment Land Agency, The District of Columbia, and DC Arena, LP, dated as of December 29, 1995 and recorded with the Recorder of Deeds on January 5, 1996 as instrument number 9600001285, remains in effect."

(b) This section shall apply as of September 28, 1994.

Sec. 6. Section 12 of the Payments In Lieu of Taxes Act of 2004 is amended by striking the phrase "for recordation" both times it appears and inserting the phrase "of recordation" in its place.

Sec. 7. Section 1042(a) of the Fiscal Year 2006 Budget Submission Amendment Act of 2005 is amended to read as follows:

"(a) Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

“(1) The table of contents is amended by adding a new designation “47-138.01a. Mayoral budget submission required; consistency of budget submission with previous fiscal year spending.” after the section designation “47-318.01. Mayoral budget submission required; accounting of expenditures.”.

“(2) A new section 47-318.01a is added to read as follows:

“47-138.01a. Mayoral budget submission required; consistency of budget submission with previous fiscal year spending.

“For each fiscal year, the Mayor shall submit a budget to the Council of which the local funds shall be consistent with the amount projected in spending for the previous fiscal year by the Council in the Council Committee of the Whole report on the Budget Request Act.”.

Sec. 8. Section 47-1054(b) of the District of Columbia Official Code is amended by adding the phrase “of this title” after the phrase “Chapters 9 or 14”.

Sec. 9. Section 47-1060 of the District of Columbia Official Code is amended by striking the section designation “(a)”.

Sec. 10. Section 47-1806.09(4) of the District of Columbia Official Code is amended by striking the word “shall” and by striking the phrase “gross income,” and inserting the phrase “gross income,” in its place.

Sec. 11. The Heating Oil Clarification Act of 2004 is repealed.

Sec. 12. Section 47-2763 of the District of Columbia Official Code is amended by adding the phrase “of this title” after the phrase “Chapter 43”.

Sec. 13. Section 47-2862(a) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (5) is amended by striking the word “or” at the end.

(b) Paragraph (6) is amended by striking the period at the end and inserting a semi-colon in its place.

(c) Paragraph (7) is amended by striking the period at the end and inserting a semi-colon in its place.

(d) Paragraph (8) is amended by striking the period at the end and inserting the phrase “; or” in its place.

Sec. 14. Section 47-3406.02 of the District of Columbia Official Code is amended as follows:

(a) The lead-in language in subsection (b) is designated as paragraph (1).

- (b) Paragraph (1) is redesignated as subparagraph (A).
- (c) Paragraph (2) is redesignated as subparagraph (B).
- (d) The undesignated paragraph is designated as paragraph (2).

Sec. 15. Section 47-4601 of the District of Columbia Official Code is amended by adding the phrase "of this title" after the phrase "Chapter 22".

Sec. 16. Section 47-4602 of the District of Columbia Official Code is amended by adding the phrase "of this title" after the phrase "Chapter 20".

Sec. 17. Section 47-4603 of the District of Columbia Official Code is amended as follows:

(a) Subsection (d) is amended by adding the phrase "of this title" after the phrase "Chapter 8".

(b) Subsection (f) is amended by adding the phrase "of this title" after the phrase "Chapter 38".

Sec. 18. Section 47-4604 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended by adding the phrase "of this title" after the phrase "Chapter 15".

(b) Subsection (b) is amended by adding the phrase "of this title" after the phrase "Chapter 20".

Sec. 19. The section heading to § 47-2501 of the District of Columbia Official Code is amended to read as follows:

"§ 47-2501. Gas, electric lighting, telephone, telecommunications, and heating oil companies."

Sec. 20. Section 47-2862(a)(9) of the District of Columbia Official Code is repealed.

Sec. 21. Section 47-863 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a)(1A)(B) is amended by striking the sub-sub-subparagraph designation "(I)" and inserting the sub-subparagraph designation "(i)" in its place.

(b) Strike the phrase "a eligible" wherever it appears and insert the phrase "an eligible" in its place.

Sec. 22. Section 3 of the Parkside Terrace Economic Development Act of 2006 is amended as follows:

(a) Subsection (a) is amended by striking the section designation "2(b)" and inserting the section designation "47-4607(b)" in its place.

(b) Subsection (b) is amended by striking the section designation "2(d)" and inserting the section designation "47-4607(d)" in its place.

Sec. 23. Section 47-864 of the District of Columbia Official Code is amended to read as follows:

"§ 47-864. Owner-occupant residential tax credit.

"(a)(1) For real property tax year 2002, real property receiving the homestead deduction under § 47-850, and valued under § 47-820(b-2), shall receive an owner-occupant residential tax credit. This paragraph shall apply as of October 1, 2001.

"(2) For real property tax year 2003 real property receiving the homestead deduction under § 47-850 or § 47-850.01, and valued under § 47-820(b-2), shall receive an owner-occupant residential tax credit.

"(b) The credit under subsection (a) of this section shall be calculated as follows:

"(1) Subtract the amount of the homestead deduction from the prior tax year's taxable assessment;

"(2) Multiply that amount by 125%;

"(3) Subtract the amount of the homestead deduction from the current tax year's taxable assessment;

"(4) Subtract the amount computed under paragraph (2) of this subsection from the amount in paragraph (3) of this subsection; and

"(5) If the difference is a positive number, multiply the difference by the applicable property tax rate for the current year.

"(c) The credit under subsection (a) of this section shall not apply if:

"(1) During the prior tax year:

"(A) The real property was transferred for consideration to a new owner;

"(B) The value of the real property was increased due to a change in the zoning classification of the real property initiated or requested by the homeowner or anyone having an interest in the real property; or

"(C) The assessment of the real property was clearly erroneous due to an error in calculation or measurement of improvements on the real property; or

"(2) During the prior calendar year, the real property was assessed under § 47-829.

"(d)(1) In accordance with section 47-864.01, for real property tax year 2004, and subsequent years, real property receiving the homestead deduction under § 47-850 or §

47-850.01, and valued under § 47-820(b-2), shall receive an owner-occupant residential tax credit.

“(2) The credit shall be calculated as follows:

“(A)(i) In the case of a real property that did not receive the credit under this section in the prior tax year:

“(I) Subtract the prior tax year's homestead deduction from the prior tax year's assessed value; provided that for tax year 2006, the prior tax year's homestead deduction shall be deemed to be \$60,000; and

“(II) Multiply the amount in sub-sub-subparagraph (I) of this sub-subparagraph by 112% to determine the current tax year's taxable assessment; or

“(ii) In the case of a real property that did receive the credit under this section in the prior tax year, multiply the prior tax year's taxable assessment by 112% to determine the current tax year's taxable assessment; provided, that:

“(I) For tax year 2006, the current tax year's taxable assessment shall be determined by subtracting \$22,000 from 112% of the prior year's taxable assessment; and

“(II) For the tax year 2007, the amount determined in sub-sub-subparagraph (I) of this sub-subparagraph shall be the prior year's taxable assessment;

“(B) Subtract the current tax year's homestead deduction from the current tax year's assessed value;

“(C) Subtract the current tax year's taxable assessment determined under subparagraph (A) of this paragraph from the amount determined in subparagraph (B) of this paragraph; and

“(D) If the amount determined under subparagraph (C) of this paragraph is a positive number, multiply the difference by the applicable real property tax rate to determine the credit for the current tax year.

“(3) The credit shall not apply if:

“(A) During the prior tax year:

“(i)(I) The real property was transferred for consideration to a new owner; and

“(II) The return required by §§ 42-1103(d) and 47-903(d) was due;

“(ii) The value of the real property was increased due to a change in the zoning classification of the real property initiated or requested by the homeowner or anyone having an interest in the real property; or

“(iii) The assessment of the real property was clearly erroneous due to an error in calculation or measurement of improvements on the real property; or

“(B) During the prior calendar year, the real property was assessed under § 47-829.

“(C) During the tax year, qualifying and current homestead deduction applications are on file for less than 50% of the dwelling units in a cooperative housing association, or such applications are not filed in time for the homestead deduction to apply to the entire tax year.

“(4) The credit under this subsection shall be nonrefundable, and the credit shall be apportioned equally between each installment during the tax year and shall not be carried forward or carried back.

“(5) This subsection shall apply as of October 1, 2003.

“(e) This section shall sunset as of October 20, 2005, if § 47-864.01 takes effect on or before October 20, 2005 .”.

Sec. 24. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the section designation "47-864.01. Owner-occupant residential tax credit (conditional)." after the section designation "47-864. Owner-occupant residential tax credit.".

(b) A new section 47-864.01 is added to read as follows:

“§ 47-864.01. Owner-occupant residential tax credit (conditional).

“(a) Real property receiving the homestead deduction under § 47-850 shall receive an owner-occupant residential tax credit.

“(b) The credit shall be calculated as follows:

“(1)(A) In the case of a real property that did not receive the credit under this section in the prior tax year:

“(i) In accordance with § 47-864.01, for tax year 2006:

“(I) The current tax year's taxable assessment shall be determined by subtracting \$22,000 from 110% of the prior tax year's taxable assessment; and

“(II) The prior tax year's taxable assessment for taxable real property located in triennial groups 1 and 2, as designated by the Office of Tax and Revenue, that has been owned and occupied continuously by the same owner since October 1, 2001, shall be recalculated by applying a 12% cap as of October 1, 2001; and

“(ii) Multiply the amount determined in sub-subparagraph (i) of this subparagraph by 110% to determine the current tax year's taxable assessment; or

“(B) In the case of a real property that did receive the credit under this section in the prior tax year, multiply the prior tax year's taxable assessment by 110% to determine the current tax year's taxable assessment; provided, that:

“(i) For tax year 2006:

“(I) The current tax year's taxable assessment shall be determined by subtracting \$22,000 from 110% of the prior tax year's taxable assessment;

“(II) The prior tax year's taxable assessment for taxable

real property located in triennial groups 1 and 2, as designated by the Office of Tax and Revenue, that has been owned and occupied continuously by the same owner since October 1, 2001, shall be recalculated by applying a 12% cap as of October 1, 2001;

“(ii) For tax year 2007, the amount determined in sub-subparagraph (i) of this subparagraph shall be the prior tax year's taxable assessment;

“(2) Subtract the current tax year's homestead deduction from the current tax year's assessed value;

“(3) Subtract the current tax year's taxable assessment determined under paragraph (1) of this subsection from the amount determined in paragraph (2) of this subsection; and

“(4) If the amount determined under paragraph (3) of this subsection is a positive number, multiply the difference by the applicable real property tax rate to determine the credit for the current tax year.

“(c) The credit shall not apply if:

“(1) During the prior tax year:

“(A) The real property was transferred for consideration to a new owner and the return required by section 303(d) of the District of Columbia Deed Recordation Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1103(d)), and § 47-903(d) was due;

“(B) The value of the real property was increased due to a change in the zoning classification of the real property initiated or requested by the homeowner or anyone having an interest in the real property; or

“(C) The assessment of the real property was clearly erroneous due to an error in calculation or measurement of improvements on the real property;

“(2) During the prior calendar year, the real property was assessed under § 47-829; or

“(3) During the current tax year, qualifying homestead deduction applications for dwelling units in a cooperative housing association are:

“(A) Filed for less than 50% of the dwelling units; or

“(B) Not filed timely for the entire tax year.

“(d) The credit shall:

“(1) Be nonrefundable;

“(2) Be apportioned equally between each installment during the tax year; and

“(3) Not be carried forward or carried back.

“(e)(1) This section shall apply for taxable years beginning after September 30, 2005; provided, that the condition of paragraph (2) of this paragraph is met prior to February 15, 2006; provided further, that this section shall apply for the second half of Fiscal Year 2006 if the condition of paragraph (2) of this subsection is met after February 14, 2006 and prior to August 5, 2006.

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“(2) This section shall not apply unless the amount of revenue in a revised quarterly revenue estimate of the Chief Financial Officer exceeds the annual revenue estimate incorporated in the approved fiscal year 2006 budget and financial plan by an amount sufficient to account for its fiscal effect.

“(f) If this section takes effect as of October 20, 2005, § 47-864 shall sunset as of October 20, 2005.

“(g) This section shall expire on August 5, 2006, if this section has not taken effect under subsection (e) of this section.”

Sec. 25. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-857.04(b)(3)(A) is amended to read as follows:

“(A) Five years after receipt by the eligible project of a final certificate of occupancy issued for the entirety of the project; or”.

(b) The table of contents for Chapter 10 of Title 47 of the District of Columbia Official Code is amended by striking the phrase “lots 34” and inserting the phrase “lots 33” in its place.

(c) Section 47-1065 is amended by striking the phrase “lots 34” wherever it appears and inserting the phrase “lots 33” in its place.

(d) Section 47-1803.03 of the District of Columbia Official Code is amended as follows:

(1) Subsection (a) is amended by adding a new paragraph (19) to read as follows:

“(19) Royalty payments. ---

“(A) Royalty payments, if the royalty payments are directly or indirectly paid, accrued, or incurred to a related member during the taxable year and deductible in calculating federal taxable income.

“(B) The disallowance of the deduction under subparagraph (A) of this paragraph shall not apply if and to the extent that the payments satisfy any of the following conditions:

“(i) The related member during the same taxable year directly or indirectly paid, received, accrued, or incurred the amount of the obligation to or from a person or entity that is not a related member, and the transaction was done for a valid business purpose and the payments are made at arm's length;

“(ii) The related member receiving the royalty payments acquired the intangible assets for which royalty payments are being made from a person or entity that was not a related member, the transaction was done for a valid business purpose, and the royalty payments are made at arm's length;

“(iii) The royalty payments are paid or incurred to a related member organized under the laws of a country other than the United States, and the country has entered into a comprehensive income tax treaty with the United States; or

"(iv) The related member receiving the royalty payments is subject to a tax measured by its net income or receipts in a state or possession of the United States imposing a statutory tax rate of at least 4.5%; provided, that a related member receiving the royalty payment shall not be considered to be subject to a tax merely by virtue of the related member's inclusion in a combined or consolidated return in one or more states.

"(C) For the purposes of this paragraph, the term:

"(i) "Majority interest" means:

"(I) In the case of a corporation, more than 50% of the total combined voting power of all classes of stock of the corporation, or more than 50% of the capital, profits, or beneficial interest in the voting stock of the corporation; or

"(II) In the case of a partnership, association, trust or other entity, more than 50% of the capital, profits, or beneficial interest in the partnership, association, trust or other entity.

"(ii) "Related entity" means:

"(I) a stockholder who is an individual, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code of 1986, if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock;

"(II) a stockholder, or a stockholder's partnership, limited liability company, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts, and corporations own directly, indirectly, beneficially or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock; or

"(III) a corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code of 1986, if the taxpayer owns, directly, indirectly, beneficially or constructively, at least 50% of the value of the corporation's outstanding stock. The attribution rules of section 318 of the Internal Revenue Code of 1986 shall apply for purposes of determining whether the ownership requirements of this paragraph have been met.

"(iii) "Related member" means:

"(I) A person that, with respect to the taxpayer any time during the taxable year, is a related entity;

"(II) A component member, as defined in section 1563(b) of the Internal Revenue Code of 1986;

"(III) A controlled group of which the taxpayer is also a component; or

"(IV) Is a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code of 1986.

"(iv) "Royalty payments" mean payments directly connected to the use, maintenance, or management of licenses, trademarks, copyrights, trade names, trade dress, service marks, mask works, trade secrets, patents, and any other similar types of intangible assets as are set forth in regulations promulgated by the Chief Financial Officer, including amounts allowable as interest deductions under § 47-1803.02(a)(2), to the extent that such amounts are directly or indirectly for, related to, or in connection with the use, maintenance, or management of such intangible assets.

"(v) "State" shall include the District of Columbia.

"(vi) "Valid business purpose" means one or more business purposes, other than the avoidance or reduction of taxation, which, alone or in combination, constitute the primary motivation for some business activity or transaction, which activity or transaction changes in a meaningful way, apart from tax effects, the economic position of the taxpayer."

(2) Subsection (b)(7) is repealed.

(e) Section 47-3701(4) is amended as follows:

(1) Subparagraph (B) is amended to read as follows:

"(B) For a decedent whose death occurs on or after January 1, 2002:

"(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

"(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be \$220,550; and

"(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed \$675,000."

(2) A new subparagraph (C) is added to read as follows:

"(C) For a decedent whose death occurs on or after January 1, 2003:

"(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

"(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be \$345,800; and

"(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed \$1 million."

(f) Subsections (b) and (c) of this section shall apply as of April 1, 2004.

Sec. 26. (a) Section 2 of the Unsolicited Proposal Submitted by Washington Properties, Inc./Square 673 Partners for the Negotiated Disposition of 59 M Street, N.E., Resolution of 1994, effective December 6, 1994 (Res. 10-475; 41 DCR 8157), is amended by striking the phrase "pursuant to the District Owned Surplus Real Property Amendment Act of 1989,

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effective March 14, 1990 (D.C. Law 8-96; D.C. Code § 9-401)" and inserting the phrase "pursuant to section 1(b)(3) and (6) of An Act authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 9-401(b)(3) and (6))" in its place.

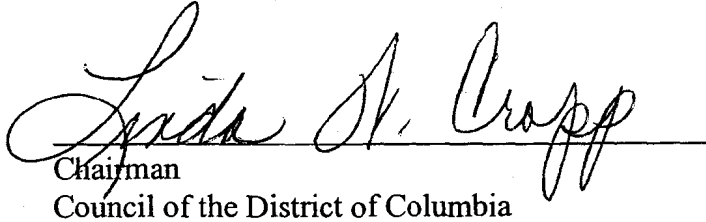
(b) This section shall apply as of December 6, 1994.


Sec. 27. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 28. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

## AN ACT

## D.C. ACT 16-586

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2007 Winter  
Supp.West Group  
Publisher

To amend, on an emergency basis, the Office of Administrative Hearings Establishment Act of 2001 to authorize the Board of Real Property Assessment and Appeals to hear appeals from a notice of final determination on vacancy and to exempt appeals from a notice of final determination on vacancy from the purview of the Office of Administrative Hearings; to amend AN ACT To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to consolidate the overlapping responsibilities for the designation, registration and assessment of vacant properties, to provide for the consolidation of exemptions under the Department of Consumer and Regulatory Affairs and a reduction in the overall number of exemptions from the registration of vacant buildings, to provide for the establishment of regulations governing vacant property, to provide penalties for the filing of false or misleading vacant property registration information by an owner, to provide for the petition for reconsideration of a vacancy determination, to provide for the periodic noticing of the Office of Tax and Revenue of properties designated as vacant and the assessment of taxes on properties designated as vacant, to provide for the appeal of a notice of final determination to the Board of Real Property Assessment and Appeals; and to amend Title 47 of the District of Columbia Official Code to restate the classes of property subject to taxation, to vest fully with the Department of Consumer and Regulatory Affairs the determination of the vacant status of buildings for Class 3 real property tax purposes, and to create a specific appeals process for Class 3 Properties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006".

Sec. 2. Section 6(b)(2) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b)(2)), is amended by striking the phrase "Rent Administrator" and inserting the phrase "Rent

Note,  
§ 2-1831.03

Administrator and those cases under the jurisdiction of the Board or Real Property Assessment and Appeals" in its place.

Sec. 3. AN ACT to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 115; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 42-3131.05) is amended as follows:

Note,  
§ 42-3131.05

(1) The lead-in text is amended by striking the phrase "sections 5 through 15" and inserting the phrase "sections 5 through 16" in its place.

(2) Paragraph (2) is amended by striking the phrase "District of Columbia" and inserting the phrase "District of Columbia, actively operating as a hotel or motel, and legally using the real property as a hotel or motel" in its place.

(3) Paragraph (4) is amended to read as follows:

"(4) "Owner" means the owner of record of the real property."

(4) A new paragraph (4A) is added to read as follows:

"(4A) "Real property" means real property as defined under D.C. Official Code § 47-802(1)."

(5) Paragraph (5) is amended as follows:

(A) Strike the word "means" and insert the phrase "means real property improved by" in its place.

(B) Strike the phrase "for more than 180 days".

(b) A new section 5a is added to read as follows:

"Sec. 5a. Notice by mail.

"Notice shall be deemed to be served properly on the date when mailed by first class mail to the owner of record of the vacant building at the owner's mailing address as updated in the real property tax records of the Office of Tax and Revenue."

(c) Section 6 (D.C. Official Code § 42-3131.06) is amended as follows:

Note,  
§ 42-3131.06

(1) Subsection (b) is amended as follows:

(A) Paragraph (3) is amended to read as follows:

"(3) Under active construction or undergoing active rehabilitation, renovation, or repair, and there is a valid building permit to make the building fit for occupancy that was issued, renewed, or extended within 12 months of the required registration date;"

(B) Paragraph (4) is amended by striking the phrase "one year from the initial listing, offer, or advertisement of sale, or 90 days from the initial listing, offer, or advertisement to rent" and inserting the phrase "8 months" in its place.

(C) Paragraph (5) is amended to read as follows:

"(5) Exempted by the Mayor in his or her sole discretion; provided, that the exemption may be withdrawn upon notice in the same manner as if the building were designated as vacant under section 11;"

(D) New paragraphs (6), (7), (8), and (9) are added to read as follows:

“(6) Occupied at the time of a fire, flood, or other casualty which occurred within the preceding 12 months and which was not intentionally caused by the owner;

“(7) For a period not to exceed 24 months, the subject of a probate proceeding or the title is the subject of litigation (not including a foreclosure of the right of redemption action brought under Chapter 13A of Title 47 of the District of Columbia Official Code);

“(8) For a period not to exceed 12 months, the subject of a pending application for a necessary approval for development before the Board of Zoning Adjustment, the Zoning Commission for the District of Columbia, the Commission on Fine Arts, the Historic Preservation Review Board, the Mayor’s Agent for Historic Preservation, or the National Capital Planning Commission; or

“(9) For a period not to exceed 12 months, owned by a qualifying nonprofit housing organization under D.C. Official Code § 47-3505(a).”

(2) Subsection (e) is amended by striking the phrase “30 days” and inserting the phrase “30 days in the manner provided in section 499d(b-1) of An Act To establish a code of law for the District of Columbia, effective October 23, 1997 (D.C. Law 14-282; D.C. Official Code § 42-405(b-1))” in its place.

(3) New subsections (f) and (g) are added to read as follows:

“(f)(1) The cumulative time period for exemption from registration and fee requirements for a vacant building under the same, substantially similar, or related ownership shall not exceed 3 real property tax years.

“(2) Notwithstanding paragraph (1) of this subsection, any exemption shall be terminated at the end of the 2007 real property tax year if the building under the same, substantially similar, or related ownership benefitted from an exemption under this section or under D.C. Official Code § 47-813(c-6) during 3 or more real property tax years.

“(3) The limitations set forth in paragraphs (1) and (2) of this subsection shall not apply to vacant buildings that benefit from the exemption under subsection (b)(1), (b)(2), or (b)(5) of this section.

“(4) A vacant building benefitting from an exemption under this section or D.C. Official Code § 47-813(c-6)(2)(C) or (c-6)(3)(C), immediately preceding the effective date of the Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006, passed on December 5, 2006 (Enrolled version of Bill 16-1035), shall continue to benefit from the exemption and shall not be required to register or pay fees for the duration permitted under those provisions; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the vacant building may qualify for an exemption in effect after the effective date of the Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006, passed on December 5, 2006 (Enrolled version of Bill 16-1035) and subject to the time restriction and exclusion set forth in paragraphs (2) and (3) of this subsection.

“(5) For purposes of this subsection, ownership shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

“(g) The Mayor shall issue proposed rules to implement the provisions of this title on or before June 30, 2007. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed disapproved.”.

(d) Section 8 (D.C. Official Code § 42-3131.08) is amended to read as follows:

Note,  
§ 42-3131.08

“Sec. 8. Notice of denial or revocation of registration.

“The owner shall be notified of the denial or revocation of registration of a vacant building and the right to appeal. Upon notice of the denial or revocation, the owner shall not proceed with any operation to which the registration related. If the registration is denied or revoked, no registration fees or parts thereof shall be returned.”.

(e) Section 9(d) (D.C. Official Code § 42-3131.09(d)) is amended by striking the phrase “section 11” wherever it appears and inserting the phrase “section 8” in its place.

Note,  
§ 42-3131.09

(f) Section 10 (D.C. Official Code § 42-3131.10(a)) is amended as follows:

Note,  
§ 42-3131.10

(1) Subsection (a) is amended by striking the phrase “receipt of a mailing of a delinquency and determination notice under section 11 or” and inserting the phrase “notice of the designation of the owner’s building as vacant, the determination of delinquency of registration or fee payment, the denial or revocation of registration, the filing by an owner of any false or misleading registration-related information, or” in its place.

(2) Subsection (c) is amended by striking the word “semiannual”.

(g) Section 11 (D.C. Official Code § 42-3131.11) is amended to read as follows:

Note,  
§ 42-3131.11

“Sec. 11. Notice of vacancy designation and right to appeal.

“The Mayor shall identify nonregistered vacant buildings in the District, excluding vacant buildings identified in section 8. The owner shall be notified that the owner’s building has been designated as vacant and of the owner’s right to appeal.”.

(h) Section 15 (D.C. Official Code § 42-3131.15) is amended to read as follows:

Note,  
§ 42-3131.15

“Sec. 15. Administrative review and appeal.

“(a) Within 15 days after the designation of an owner’s building as vacant, the determination of delinquency of registration or fee payment, or the denial or revocation of registration, the owner may petition the Mayor for reconsideration by filing the form prescribed by the Mayor. Within 30 days after receiving the petition, the Mayor shall issue a notice of final determination.

“(b) Within 45 days after the date of the notice of final determination under subsection (a) of this section, an owner may file an appeal with the Board of Real Property Assessments

and Appeals on the form prescribed by the Mayor; provided, that the notice of final determination under subsection (a) of this section shall be a prerequisite to filing an appeal with the Board of Real Property Assessments and Appeals.”

(i) A new section 16 is added to read as follows:

“Sec. 16. Transmission of list by Mayor.

“(a) Semiannually, the Mayor shall transmit to the Office of Tax and Revenue a list of buildings:

“(1) Registered as vacant; provided, that for the purposes of this section and D.C. Official Code § 47-813(c-7)(5)(A-1)(i)(I)(aa), buildings for which the registration has been revoked shall also be deemed registered; and

“(2) For which a notice of final determination has been issued under this title and administrative appeals have been exhausted or expired.

“(b) The list shall be in the form and medium prescribed by the Office of Tax and Revenue.”

Sec. 4. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-813 is amended as follows:

(1) Subsection (c-6)(1) is amended by striking the phrase “the real property tax year beginning October 1, 2002, and ending September 30, 2003, and for each subsequent tax year” and inserting the phrase “tax years 2003 through 2006” in its place.

(2) A new subsection (c-7) is added to read as follows:

“(c-7)(1) For tax year 2007 and thereafter, the following classes of taxable real property are established:

“(A) Class 1 Property;

“(B) Class 2 Property; and

“(C) Class 3 Property.

“(2)(A) Except as otherwise provided in this paragraph, Class 1 Property shall be comprised of residential real property that is improved and used exclusively for nontransient residential dwelling purposes; provided, that the improved and nontransient real property shall not be classified as Class 1 Property if it appears on the list compiled under § 42-3131.16.

“(B) Unimproved real property benefiting from an exemption under subsection (c-6)(2)(C) of this section immediately preceding the effective date of the Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006, passed on December 5, 2006 (Enrolled version of Bill 16-1035) shall continue to benefit from the exemption and be classified as Class 1 Property for the duration permitted under that subsection; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the unimproved real property may qualify for an exemption in effect after the effective date of the Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006, passed on December 5, 2006 (Enrolled version of Bill 16-

Note,  
§ 47-813

1035) and subject to the time restriction and exclusion set forth in subparagraph (E)(ii)(II) of this paragraph.

“(C) Real property used as a parking lot shall be classified as Class 1 Property if it appertains to improved Class 1 Property and if each approval required from the District government for use as a parking lot has been obtained.

“(D) Unimproved real property which abuts Class 1 Property shall be classified as Class 1 Property if the real property and the Class 1 Property have common ownership.

“(E)(i) Unimproved, residential real property shall be classified as Class 1 Property if:

“(I) The real property is actively offered for sale or rental at a reasonable market price as of September 30 of the preceding tax year or as of March 31 of the current tax year; provided, that a real property which has been offered for sale or rental for more than 8 months shall be presumed not to be offered for sale or rental at a reasonable market price;

“(II) A valid building permit to construct at least one nontransient dwelling unit has been issued and construction is actively pursued as of September 30 of the preceding tax year or as of March 31 of the current tax year;

“(III) The real property is encumbered by a deed of trust that was recorded during the 12 months preceding the current tax year and a building permit described in sub-sub-subparagraph (II) of this sub-subparagraph has been issued;

“(IV) The real property is owned by a qualifying nonprofit housing organization under § 47-3505(a);

“(V) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right; or

“(VI) The unimproved air rights lot appertains to improved Class 1 Property.

“(ii)(I) Classification of unimproved real property as Class 1 Property pursuant to sub-subparagraph (i)(I), (II), (III) or (IV) of this subparagraph shall not exceed 3 tax years under the same, substantially similar, or related ownership.

“(II) Notwithstanding sub-sub-subparagraph (I) of this sub-subparagraph, unimproved real property under the same, substantially similar, or related ownership that qualified for and benefited from an exemption under sub-subparagraph (i) of this subparagraph or under subsection (c-6)(2)(C) or (c-6)(2)(E) of this section, other than under sub-subparagraph (i)(V) or (VI) of this subparagraph or a similar provision of subsection (c-6)(2)(C), for 3 or more tax years shall no longer be classified as Class 1 Property beginning in tax year 2008.

“(III) For purposes of this sub-subparagraph, ownership

shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

“(F) Unimproved real property which is separated from Class 1 Property by a public alley less than 30 feet wide shall be classified as Class 1 Property if:

“(i) The real property is less than 1,000 square feet;

“(ii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right; and

“(iii) The real property and the Class 1 Property separated by the alley from the real property have common ownership.”

“(3)(A) Except as otherwise provided in this paragraph, Class 2 Property shall be comprised of improved commercial real property; provided, that such improved real property shall not be classified as Class 2 Property if it appears on the list compiled under § 42-3131.16.

“(B) Unimproved real property benefitting from an exemption under subsection (c-6)(3)(C) of this section immediately preceding the effective date of the Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006, passed on December 5, 2006 (Enrolled version of Bill 16-1035) shall continue to benefit from the exemption and be classified as Class 2 Property for the duration permitted under subsection (c-6)(3)(c) of this section; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the unimproved real property may qualify for an exemption in effect after the effective date of the Nuisance Properties Abatement Reform and Real Property Classification Emergency Amendment Act of 2006, passed on December 5, 2006 (Enrolled version of Bill 16-1035) and subject to the time restriction and exclusion set forth in subparagraph (E)(ii)(II) of this paragraph.

“(C) Real property used as a parking lot shall be classified as Class 2 Property if each approval required from the District government for use as a parking lot has been obtained.

“(D) Unimproved real property which abuts Class 2 Property shall be classified as Class 2 Property if the real property and the Class 2 Property have common ownership.

“(E)(i) Unimproved, commercial real property shall be classified as Class 2 Property if:

“(I) The real property is actively offered for sale or rental at a reasonable market price as of September 30 of the preceding tax year or as of March 31 of the current tax year; provided, that a real property which has been offered for sale or rental for more than 8 months shall be presumed not to be offered for sale or rental at a reasonable market price;

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“(II) A valid building permit to construct an improvement to be occupied or a parking lot has been issued and construction is actively pursued as of September 30 of the preceding tax year or as of March 31 of the current tax year;

“(III) The real property is encumbered by a deed of trust that was recorded during the 12 months preceding the current tax year and a building permit described in sub-sub-paragraph (II) of this sub-paragraph has been issued;

“(IV) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right; or

“(V) The unimproved air rights lot appertains to improved

Class 2 Property.

“(ii)(I) Classification of unimproved real property as Class 2 Property pursuant to sub-paragraph (i)(I), (II) or (III) of this sub-paragraph shall not exceed 3 tax years under the same, substantially similar, or related ownership.

“(II) Notwithstanding sub-paragraph (I) of this sub-paragraph, unimproved real property under the same, substantially similar, or related ownership that qualified for and benefited from an exemption under sub-paragraph (i) of this sub-paragraph or under subsection (c-6)(3)(C) of this section, other than under sub-paragraph (i)(IV) or (V) of this sub-paragraph or under a similar provision of subsection (c-6)(3)(C) of this section, for 3 or more tax years shall no longer be classified as Class 2 Property beginning with tax year 2008.

“(III) For purposes of this sub-paragraph, ownership shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

“(F) Unimproved real property which is separated from Class 2 Property by a public alley less than 30 feet wide shall be classified as Class 2 Property if:

“(i) The real property is less than 1,000 square feet;

“(ii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right; and

“(iii) The real property and the Class 2 Property separated by the alley from the real property have common ownership.

“(G) Class 2 Property shall include, as of September 30 of the preceding tax year, the unimproved real property that is within the Northeast No. 1/Eckington Yards Special Treatment Area and the Buzzard Point/Near Southeast Development Opportunity Area, as designated on the current District of Columbia Generalized Land Use Map that is part of the Comprehensive Plan; provided, that the real property is zoned for commercial development and

the real property owner is engaged in predevelopment activities as supported by written documentation. For the purpose of this subparagraph, the term "predevelopment activities" means completion of one of the following:

- "(i) Preparation of subdivision or large tract review applications;
- "(ii) Preparation or application for District of Columbia permits or authorizations to proceed with development;
- "(iii) Participation in special planning or transportation studies prepared in conjunction with the District of Columbia; or
- "(iv) Completion of environmental assessment or mitigation studies prepared in conjunction with the District of Columbia.

"(4) Class 3 Property shall be comprised of all real property which cannot be classified as Class 1 Property or Class 2 Property."

(3) Subsection (d)(5) is repealed.

(4) Subsection (d-1) is amended as follows:

(A) Paragraph (3) is repealed.

(B) Paragraph (3A)(A) is amended as follows:

(i) Strike the phrase "appeal any reclassification under this section in the same manner and to the same extent as a new owner under § 47-825.01(f-1)(1), regardless of the tax year involved or whether a prior petition or appeal had been filed for the tax year" and insert the phrase "appeal any classification of Class 3 Property under this section of unimproved real property or real property that is used as a parking lot to the same extent as a new owner under § 47-825.01(f-1)(1)(C)(iii) or (iv)" in its place.

(ii) A new sentence is added to read as follows:

"The Class 3 Property classification shall only be appealed under the provisions of this paragraph and regardless of whether a petition or appeal is filed under § 47-825.01(f-1)(1A), notwithstanding any other provision of law."

(iii) Strike the word "reclassification" wherever it appears and insert the word "classification" in its place.

(C) New paragraphs (4A) and (4B) are added to read as follows:

"(4A) For improved real property that is not used as a parking lot, the determination that the real property belongs on the list compiled under § 42-3131.16 (and, indirectly, its Class 3 Property classification) shall only be appealed as prescribed under § 42-3131.15 and § 47-825.01(f-1)(2A), notwithstanding any other provision of law. A notice of final determination by the Mayor shall be a prerequisite before an appeal to the Board of Real Property Assessments and Appeals may be taken.

"(4B) The classification of Class 3 Property in the notice of proposed assessment under §§ 47-824 and 47-829 shall not be appealed under the provisions applicable to the appeal of such notice and any statement in such notice that the real property shall be classified as other than Class 3 Property shall not be effective, notwithstanding any other provision of law."

(D) Paragraph (5) is amended as follows:

(i) Subparagraph (A) is amended to read as follows:

“(A) Whenever the classification of real property subject to the new owner petition or appeal process under paragraph (3A) of this subsection shall:

“(i)(I) Change to Class 3 Property, the owner shall file a notification to change the classification with the Office of Tax and Revenue within 30 days after the change in the manner as may be prescribed by the Mayor.

“(II) The change in classification shall be retroactive to the half tax year when the Office of Tax and Revenue was so notified. If the owner fails to notify timely, the real property shall be reclassified for each tax year beginning with the half tax year when the classification should have changed; provided, that the periods subject to reclassification shall be limited to the current and 3 preceding tax years. Penalty and interest as prescribed under § 47-811(c) shall be assessed beginning 30 days after the date of the real property tax bill that issues after any administrative appeals have been exhausted; or

“(ii)(I) Cease to be Class 3 Property, the owner shall file a notification to change the classification with the Office of Tax and Revenue within 30 days after the change in the manner as may be prescribed by the Mayor.

“(II) If the notification is approved, the change in classification of the real property from Class 3 Property shall be retroactive to the half tax year when the Office of Tax and Revenue was so notified. If the notification is disapproved, the notice of classification under paragraph (3A) of this subsection shall be given to the owner.”.

(ii) A new subparagraph (A-i) is added to read as follows:

“(A-i)(i) Whenever the classification of improved real property that is not used as a parking lot and appears on the list compiled under § 42-3131.16 shall change to Class 3 Property:

“(I) The owner shall notify the Department of Consumer and Regulatory Affairs within 30 days of the change by making application to register the property as vacant under §§ 42-3131.06 and 42-3131.07, which the change in classification of the real property to Class 3 Property shall be retroactive to the half tax year during which one of the following first occurred:

“(aa) The owner of the real property registered the real property as vacant under § 42-3131.06; or

“(bb) The owner of real property received a notice of final determination under § 42-3131.15;

“(II) The Office of Tax and Revenue shall re-classify the real property without limitation for each tax year or half tax year after receipt of the list under § 42-3131.16; and

“(III) Penalty and interest as prescribed under § 47-811(c) shall be assessed beginning 30 days after the date of the real property tax bill that issues after

any administrative appeals have been exhausted.

“(ii) Whenever improved real property that is not used as a parking lot and appears on the list compiled under § 42-3131.16 shall cease to be Class 3 Property, the owner shall notify the Department of Consumer and Regulatory Affairs within 30 days after the change in the manner as may be prescribed by the Mayor. If the request for a change in classification is approved, the change in classification of the real property from Class 3 Property shall be retroactive to the half tax year when the Department of Consumer and Regulatory Affairs was so notified. If the request is denied, the owner shall have a right to administrative review of the determination as provided under § 42-3131.16 and § 47-825.01(f-1)(2A).”.

(iii) Subparagraph (B) is amended as follows:

(I) Strike the phrase “subparagraph (A)” and insert the phrase “subparagraphs (A) and (A-i) in its place.

(II) Strike the word “Mayor” and insert the phrase “applicable agency” in its place.

(E) Paragraph (6) is amended by striking the phrase “real property” and inserting the phrase “Class 3 Property” in its place.

(5) Subsection (d-2) is amended by striking the phrase “an erroneous or improper classification” and inserting the phrase “a change in classification to Class 3 Property” in its place.

(b) Section § 47-825.01(f-1) is amended as follows:

(1) A new paragraph (2A) is added to read as follows:

“(2A) If an owner is aggrieved by a notice of final determination issued pursuant to § 42-3131.15 or a notice of final determination issued under § 47-813(d-1)(3A), the owner may file an appeal on the determination of vacancy with the Board within 45 days from the date of such notice. The Board shall render a decision on the appeal within 120 days of filing.”.

(2) Paragraph (3) is amended by striking the word “Board” and inserting the phrase “Board and a petition to the Mayor for reconsideration of the designation of their building as vacant shall be a prerequisite for filing an appeal with the Board pursuant to § 42.3131.15” in its place.

(3) Paragraph (8) is amended by striking the phrase “value or classification” and inserting the phrase “value, classification, or determination of vacancy” in its place.

(c) Section 47-850.02(b-1) is amended by striking the phrase “a reclassification” and inserting the phrase “an appeal of a Class 3 classification” in its place.

(d) Section 47-863(f-1) is amended by striking the phrase “a reclassification” and inserting the phrase “an appeal of a Class 3 classification” in its place.

Note,  
§ 47-825.01

Note,  
§ 47-850.02

Note,  
§ 47-863

Sec. 5. Applicability.

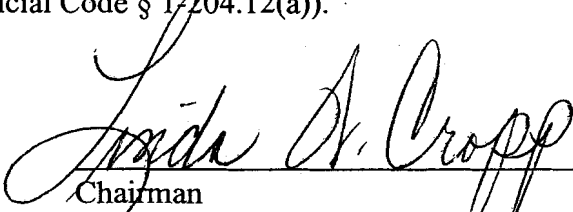
Sections 2 through 4 shall apply to real property tax years beginning after September 30, 2006.

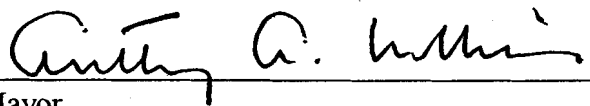
Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-587

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
DECEMBER 28, 2006

*Codification  
 District of  
 Columbia  
 Official Code*

2001 Edition

2007 Winter  
 Supp.

West Group  
 Publisher

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide for attorney fees for injured District government employees who are successful appellants, to provide incentives for the District of Columbia government to comply with compensation orders, and to provide career retention rights for injured employees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Government Injured Employee Protection Act of 2006".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §1-623.01 et seq.), is amended as follows:

(a) Section 2319(b)(3) (D.C. Official Code § 1-623.19(b)(3)) is amended by striking the phrase "is raised" and inserting the phrase "is not raised" in its place.

Amend  
 § 1-623.19

(b) Section 2324 (D.C. Official Code §1-623.24) is amended by adding a new subsection (g) to read as follows:

Amend  
 § 1-623.24

"(g) If the Mayor or his or her designee fails to make payments of the award for compensation as required by subsection (a-3)(1), (a-4)(2), or (b)(3) of this section, the award shall be increased by an amount equal to one month of the compensation for each 30-day period that payment is not made; provided, that the increase shall not exceed 12 months' compensation. In addition, the claimant may file with the Superior Court of the District of Columbia a lien against the Disability Compensation Fund, the General Fund of the District of Columbia, or any other District fund or property to pay the compensation award. The Court shall fix the terms and manner of enforcement of the lien against the compensation award."

(c) Section 2327 (D.C. Official Code §1-623.27) is amended to read as follows:

"(a) A claimant may authorize an individual to represent him or her in a request for reconsideration of a decision under section 2324(a-4) or in a proceeding before an administrative law judge under section 2324(b).

Amend  
 § 1-623.27

"(b)(1) For the purposes of this subsection, the term "successful prosecution" means obtaining an award of compensation that exceeds the amount that was previously awarded, offered, or determined. The term "successful prosecution" includes a reinstatement or partial reinstatement of benefits which are reduced or terminated.

"(2) If a person utilizes the services of an attorney-at-law in the successful prosecution of his or her claim under section 2324(b) or before any court for review of any actions, award, order, or decisions, there shall be awarded, in addition to the award of compensation, in a compensation order, a reasonable attorney's fee, not to exceed 20% of the actual benefit secured, which fee award shall be paid directly by the Mayor or his or her

designee to the attorney for the claimant in a lump sum within 30 days after the date of the compensation order.

“(c) A person who receives any fees, other consideration, or any gratuity on account of services rendered as a representative of the claimant in an administrative or judicial proceeding under this title, or who makes it a business to solicit employment for a lawyer, or for himself in respect of any claim or award for compensation, unless such consideration or any gratuity is approved as part of an order, shall be guilty of a misdemeanor and, upon conviction for each offense shall be punished by a fine of not more than \$1,000, or imprisonment for not more than one year, or both. This provision applies to all benefits secured through the efforts of the attorney, including settlements provided for under this title.

“(d)(1) In all cases, fees for attorneys representing the claimant shall be approved in the manner herein provided. If any proceedings are had before the administrative law judge or any court for review of any actions, award, order, or decision, the administrative law judge or court shall approve an attorney’s fee for the work done before him or it, as the case may be, by the attorney for the claimant.

“(2) An approved attorney’s fee, in cases in which the obligation to pay the fee is upon the claimant, may be made a lien upon the compensation order due under an award, and the administrative law judge or court shall fix in the award approving the fee such lien and manner of payment.”

(d) Section 2345 (b)(1) (D. C. Official Code § 1-623.45 (b)(1)) is amended by striking the phrase “after the date of commencement of compensation” and inserting phrase “after the date of commencement of compensation and provision of all necessary medical treatment needed to lessen disability” in its place.

Amend  
§ 1-623.45

### Sec. 3. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

### Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02).

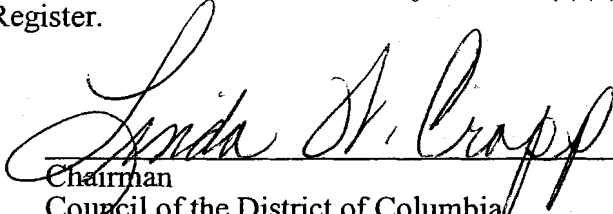
### Sec. 5. Effective date.

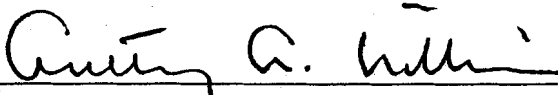
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

AN ACT

D.C. ACT 16-588

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
DECEMBER 28, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2007 Winter  
Supp.

West Group  
Publisher

To prohibit persons and entities from acting as insurers or engaging in any directly or indirectly related activity without first obtaining a certificate of authority; to amend the Insurers Rehabilitation and Liquidation Act of 1993 to reorder the priority of distributions in liquidation proceedings and bring the statute in conformance with recent developments in United States Supreme Court case law; to amend the Fire, and Casualty Act to repeal the insurance agent and broker license fee provisions, to authorize the Commissioner to promulgate and amend all producer and license fees, to extend the reach on the limitation of the percentage of loss an insurer can expose itself to on any one risk or hazard, and to repeal the due deference provisions, which provide for the issuance of a certificate of authority to operate as an insurer upon attestation of an independent organization; to amend the the Drug Abuse, Alcohol Abuse, and Mental Illness Insurance Coverage Act of 1986 to revive the mental parity provisions; to amend the Health Maintenance Organization Act of 1996 to clarify the priority of distributions in liquidation proceedings and to repeal the due deference provisions; to amend the Life Insurance Act of 1934 to repeal the requirement that directors of stock companies own shares thereof and that directors of mutual companies own policies thereof, to repeal the requirement that the Office of the Attorney General review and approve formation documents for life insurance companies, to repeal the ban on political contributions by life insurance companies, and to repeal the due deference provisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Insurance, Securities and Banking Omnibus Amendment Act of 2006".

TITLE I. UNAUTHORIZED ENTITIES

Sec. 101. Short title.

This title may be cited as the "Unauthorized Entities Act of 2006".

## Sec. 102. Unauthorized entities.

No person shall act as an insurer, or engage in any other activity, directly or indirectly, which is regulated in acts codified in Chapters 1 through 55 of Title 31 of the District of Columbia Official Code unless performed within the scope of a certificate of authority issued by the Commissioner as provided by this title. The prohibitions in this title shall not apply to persons or entities engaging in activity pursuant to sections 39 and 40 of the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1080; D.C. Official Code §§ 31-2502.39 and 31-2502.40).

Sec. 103. No person shall aid or assist another person in unauthorized activity proscribed by section 102, including selling, soliciting, or negotiating for applications, policies, memberships, or other business.

## Sec. 104. Investigations and administrative and judicial enforcement.

(a) The Commissioner may make public or private investigations inside or outside of the District as he considers necessary to determine whether a person has violated, or is about to violate, any provision of this title, or any rule or order hereunder, to aid in the enforcement of this title, or to aid in the prescribing of rules and forms to implement this title.

(b) If the Commissioner determines that a person has engaged, is engaging, or is about to engage in any activity prohibited by this title or any rule or order adopted under this title, and that immediate action against such person is in the public interest, the Commissioner may issue a summary order directing the person to cease and desist from engaging in such activity; provided, that the summary cease and desist order shall give the person:

(1) Notice of the opportunity for a hearing before the Commissioner to determine whether the summary cease and desist order should be vacated, modified, or entered as final, and that the hearing shall be conducted according to the rules for contested cases set forth in Chapter 38 of Title 26 of the District of Columbia Municipal Regulations; and

(2) Notice that the summary cease and desist order will be entered as final if the person does not request a hearing within 15 days of service of the order as provided in the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-501 *et seq.*).

(c) If the Commissioner determines after a hearing, unless the right to a hearing is waived, that a person has engaged in any activity prohibited by this title or any rule or order adopted under this title, the Commissioner may, in addition to any other action in which he is authorized:

- (1) Issue a cease and desist order against the person;
- (2) Bar the person from engaging in the business of insurance;

(3) Issue an order against the person imposing a civil fine not exceeding the greater of \$10,000 per day of violation or twice the amount of money received by reason of the violation;

(4) Issue an order for restitution and any other actual loss or damage incurred by other persons; and

(5) Issue an order for payment of costs of the proceedings and reasonable expenses of any investigation.

(d) A person aggrieved by the Commissioner's order may appeal to the District of Columbia Court of Appeals pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-501 *et seq.*).

(e) The Commissioner may request the Office of the Attorney General to seek judicial enforcement of any Commissioner's Order entered against such person as provided in this title.

(f) Administrative and judicial enforcement instituted by the Commissioner or the Office of the Attorney General under this title shall not bar governmental actions pursuant to other provisions of law, including criminal investigation and prosecution.

(g) For purposes of an investigation or proceeding under this title, the Commissioner may administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the Commissioner deems relevant or material to the inquiry.

(h) In case of contumacy by, or refusal to obey a subpoena issued to, a person, the Superior Court of the District of Columbia, upon application by the Commissioner, may issue to the person an order requiring the person to appear before the Commissioner to produce documentary evidence, or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished as a contempt of court.

(i) Persons damaged by any activity prohibited by this title shall have a private cause of action for damages, including attorneys' fees, and any other remedies provided by law.

## TITLE II. TECHNICAL AND MODERNIZATION AMENDMENTS

Sec. 201. Section 41(2) through (5) of the Insurers Rehabilitation and Liquidation Act of 1993, approved October 15, 1993 (D.C. Law 10-35; D.C. Official Code § 31-1340(2) through (5)), is amended to read as follows:

Amend  
§ 31-1340

“(2) Class 2. All claims under policies including the claims of the federal or any state or local government for losses incurred (“loss claims”), including third party claims and all claims of a guaranty association or foreign guaranty association. All claims under life insurance and annuity policies, whether for death proceeds, annuity proceeds, or investment values, shall be treated as loss claims. That portion of any loss, indemnification for which is provided by other benefits or advantages recovered by the claimant, shall not be included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligation of support, by

way of succession at death, as proceeds of life insurance, or as gratuities. No payment by an employer to his or her employee shall be treated as a gratuity.

“(3) Class 3. Claims of the federal or any state or local government, except those under Class 2. Claims, including those of any governmental body for a penalty or forfeiture, shall be allowed in this class only to the extent of the pecuniary loss sustained from the act, transaction, or proceeding out of which the penalty or forfeiture arose, with reasonable and actual costs occasioned thereby. The remainder of the claims shall be postponed to the class of claims under paragraph (8) of this section.

“(4) Class 4. Reasonable compensation to employees for services performed to the extent that they do not exceed 2 months of monetary compensation and represent payment for services performed within one year before the filing of the petition for liquidation or, if rehabilitation preceded liquidation, within one year before the filing of the petition for rehabilitation. Principal officers and directors shall not be entitled to the benefit of this priority except as otherwise approved by the liquidator and the court. This priority shall be in lieu of any other similar priority that may be authorized by law as to wages or compensation of employees.

“(5) Class 5. Claims under nonassessable policies for unearned premium or other premium refunds and claims of general creditors, including claims of ceding and assuming companies in their capacity as general creditors.”.

Sec. 202. The Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1063; D.C. Official Code § 31-2502.01 *et seq.*), is amended as follows:

(a) Section 2(b) (D.C. Official Code § 31-2502.02(b)) is repealed.

Amend  
§ 31-2502.02

(b) Section 12 (D.C. Official Code § 31-2502.12) is amended by striking the phrase “any 1 risk or hazard in the District” and inserting the phrase “any one risk or hazard, whether located in the District or outside of the District,” in its place.

Amend  
§ 31-2502.12

(c) Section 41 (D.C. Official Code § 31-2502.41) is amended as follows:

Amend  
§ 31-2502.41

(1) Subsection (a) is amended to read as follows:

“(a) Annual fees to be paid through the Commissioner to the District of Columbia for licenses issued under this Act shall include a \$250 annual renewal fee for registration and certification for Risk Retention and Purchasing Groups and any other fee established pursuant to subsection (e) of this section.”.

(2) Subsections (b) through (d) are repealed.

(3) Subsection (e) is amended to read as follows:

“(e) The Commissioner may promulgate rules to establish and amend all producer and license fees.”.

Sec. 203. Section 6(e) of the Drug Abuse, Alcohol Abuse, and Mental Illness Insurance Coverage Act of 1986, effective February 28, 1987 (D.C. Law 6-195; D.C. Official Code § 31-3105), is amended as follows:

Amend  
§ 31-3105

- (a) Subsection (a) through (d) are hereby revived.
- (b) Subsection (e) is repealed.

Sec. 204. The Health Maintenance Organization Act of 1996, approved April 9, 1997 (D.C. Law 11-235; D.C. Official Code § 31-3401 *et seq.*), is amended as follows:

- (a) Section 4 (D.C. Official Code § 31-3403) is amended by repealing subsections (f) and (g). Amend  
§ 31-3403
- (b) Section 21(c) (D.C. Official Code § 31-3420(c)) is amended to read as follows: Amend  
§ 31-3420
  - “(c) Any provider who is obligated by law or agreement to hold enrollees harmless from liability for services pursuant to and covered by a health care plan shall have a priority of distribution of the general assets immediately following that of enrollees and enrollee's beneficiaries as described herein, and immediately preceding the priority of distribution assigned to general creditors.”.

Sec. 205. The Life Insurance Act of 1934, approved June 19, 1934 (48 Stat. 1129; D.C. Official Code § 31-4301 *et seq.*), is amended as follows:

- (a) Chapter II is amended as follows: Amend  
§ 31-4304  
Repeal  
§ 31-4324
  - (1) Section 5(b) (D.C. Official Code § 31-4304(b)) is repealed.
  - (2) Section 25 (D.C. Official Code § 31-4324) is repealed.
- (b) Chapter III is amended as follows: Amend  
§ 31-4403
  - (1) Section 3(a) (D.C. Official Code § 31-4403(a)) is amended by striking the phrase “shall submit the proposed articles and other papers so filed with him to the Corporation Counsel of the District, who shall examine the same,” and inserting the phrase “shall examine the proposed articles and other papers so filed with him” in its place.
  - (2) Section 21 (D.C. Official Code § 31-4421) is amended by striking the second sentence. Amend  
§ 31-4421

### TITLE III. FISCAL IMPACT STATEMENT

Sec. 301. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

### TITLE IV. EFFECTIVE DATE

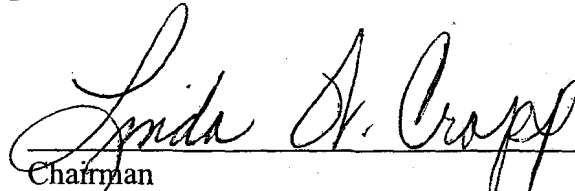
Sec. 401. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

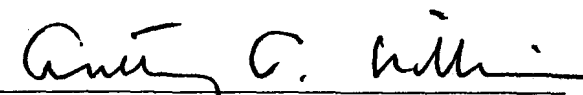
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DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

AN ACT  
D.C. ACT 16-589

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
DECEMBER 28, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2007 Winter  
Supp.

West Group  
Publisher

To amend the District of Columbia Unemployment Compensation Act to comply with the federal SUTA Dumping Prevention Act of 2004 by preventing the manipulation of employer contribution rates

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
That this act may be cited as the "Unemployment Compensation Contributions Federal Conformity Amendment Act of 2006".

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat 947; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 51-103) is amended as follows:

(1) Subsection (c)(7) is amended as follows:

(A) Subparagraph (A) is amended as follows:

(i) Strike the phrase "If all or substantially all of the business of any employer is transferred" and insert the phrase "After December 31, 2005, if any employer transfers all or a portion of its trade or business to another employer" in its place.

(ii) Sub-subparagraph (i) is amended by striking the phrase "whether or not all or substantially all" and inserting the phrase "what portion" in its place.

(iii) Sub-subparagraph (ii) is amended by striking the phrase "all or substantially all" and inserting the phrase "a portion" in its place.

(2) A new subsection (n) is added to read as follows:

"(n) Notwithstanding any other provision of this act, all assignments of contribution rates and transfers of experience in any year commencing after December 31, 2005 shall be made in accordance with the following:

"(1) If an employer transfers all or a portion of its trade or business to another employer and, at the time of transfer, there exists any common ownership, management, or control of the 2 employers, the unemployment experience for the trade or business shall be transferred to the employer receiving the trade or business. The contribution rates of both employers shall be recalculated and made effective on the 1<sup>st</sup> day of the next rating year. Any penalties that may be imposed on the transfer under section 4 shall be retroactive to the beginning of the year in which the transfer occurred.

"(2) If a person is not subject to this act at the time it acquires the trade or business of an employer subject to this act, the unemployment experience of that trade or business shall not be transferred if the Director determines that the acquisition was solely or primarily for purpose of obtaining a lower contribution rate. In such event, the person shall be

Amend  
§ 51-103

assigned a new employer rate under subsection (c)(3)(A) of this section. The Director shall use objective criteria to determine whether the trade or business was acquired solely or primarily for the purpose of obtaining a lower contribution rate, including:

“(A) The cost of acquiring the trade or business enterprise;

“(B) Whether the trade or business was continued by the person after acquisition;

“(C) The length of time that the trade or business was continued; and

“(D) Whether a substantial number of new employees were hired to perform duties unrelated to the trade or business activity prior to the acquisition.

“(3) The Director shall establish procedures to identify the transfer or acquisition of a trade or business for the purposes of this act.”

(b) Section 4 (D.C. Official Code § 51-104)) is amended by adding a new subsection (p) to read as follows: Amend  
§ 51-104

“(p)(1) For purposes of this subsection, the term:

“(A) “Knowingly” means having actual knowledge of or acting with deliberate ignorance or reckless disregard of the prohibitions under this subsection.

“(B) “Person” means an individual, a trust, estate, partnership, association, company, or corporation.

“(C) “Trade or business” includes the employer’s workforce.

“(D) “Violates or attempts to violate” includes acts evidencing an intent to evade, misrepresentation, or willful nondisclosure of material information.

“(2) Any person that knowingly violates or attempts to violate any provision of this act related to the calculation, determination, or assignment of contribution rates, or knowingly advises another person in a way that results in a violation of any of those provisions, shall be subject to the following penalties:

“(A) If the person is an employer subject to this act, the highest rate shall be assigned for the duration of the rate year in which the violation or attempted violation occurred and for the following 3 consecutive years; provided, that if the employer is already subject to the highest rate for the year that the violation or attempted violation occurred or if the increased rate would be less than 2% for that year, an additional 2% of taxable wages shall be imposed for that year and for the following 3 consecutive years.

“(B) If the person is not an employer subject to this act, a fine shall be imposed in the amount of \$5,000 for the 1<sup>st</sup> violation and in an amount not to exceed \$25,000 for each additional violation. Fines shall be enforced by civil action brought by the Director and shall be deposited in the Special Administrative Expense Fund established by section 14(b).

“(3) Any violation of this subsection may also be prosecuted on information brought by the Attorney General for the District of Columbia in the Superior Court. Any person that is convicted shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$5,000, imprisoned not more than 180 days, or both, and shall be liable for costs of prosecution.

“(4) This subsection shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the Secretary of Labor.”

### Sec. 3. Applicability.

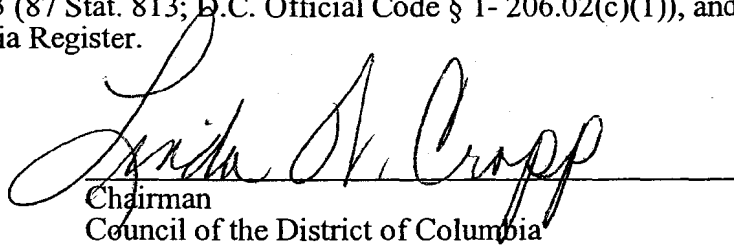
This act shall apply as of January 19, 2007.

## Sec. 4. Fiscal impact statement.

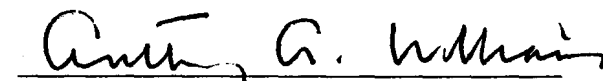
The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
December 28, 2006

AN ACT  
D.C. ACT 16-590IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
DECEMBER 28, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2007 Winter  
Supp.West Group  
Publisher

To establish high-performance building standards that require the planning, design, construction, operation and maintenance of building projects, to establish a green building incentives program that includes an expedited construction documents review program, to establish a Green Building Fund, and to establish the Green Building Advisory Council; to amend the Construction Codes Approval and Amendments Act of 1986 to provide for the revision of the Construction Codes and to include green building practices; and to amend the Office of Property Management Establishment Act of 1998 to require priority leasing of buildings that meet certain green building standards.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Green Building Act of 2006".

## Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Addition" has the same meaning as in section 10a(a)(1) of the Construction Codes Approval and Amendments Act of 1986, effective June 25, 2002 (D.C. Law 6-216; D.C. Official Code § 6-1410(a)(1)).

(2) "Applicant" means any individual, firm, limited liability company, association, partnership, government agency, public or private corporation, or other entity that submits construction documents for a building construction permit or verification.

(3) "Building" means any structure used or intended for supporting or sheltering any use or occupancy.

(4) "Building construction permit" means an official document or certificate issued by the Department authorizing the construction or alteration of a building.

(5) "Building systems monitoring method" means the specifications for a methodology of collecting information and providing feedback about installed equipment that provide data for the comparison, management, and optimization of actual, as compared to estimated, energy performance.

(6) "Construction Codes" means the standards and requirements adopted pursuant to the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*).

(7) "Construction documents" has the same meaning as in section 6b(a)(1) of the Construction Codes Approval and Amendments Act of 1986, effective June 25, 2002 (D.C. Law 6-216; D.C. Official Code § 6-1405.02(a)(1)).

(8) "Construction permit application" has the same meaning as in section 10a(a)(4) of the Construction Codes Approval and Amendments Act of 1986, effective June 25, 2002 (D.C. Law 6-216; D.C. Official Code § 6-1410(a)(4)).

- (9) "Department" means the Department of Consumer and Regulatory Affairs.
- (10) "Director" means the Director of the Department of Consumer and Regulatory Affairs.
- (11) "Educational facility" means any building that has the provision of education as its primary use.
- (12) "ENERGY STAR Portfolio Manager" means the tool developed by EPA ENERGY STAR that rates the performance of a qualifying building, relative to similar buildings nationwide, accounting for the impacts of year-to-year weather variations, building size, location, and several operating characteristics, using the Environmental Protection Agency's national energy performance rating system.
- (13) "ENERGY STAR Target Finder" means the tool developed by EPA ENERGY STAR that helps set performance goals and energy ratings for building projects during their design phase.
- (14) "Existing building" has the same meaning as in section 10a(a)(8) of the Construction Codes Approval and Amendments Act of 1986, effective June 25, 2002 (D.C. Law 6-216; D.C. Official Code § 6-1410(a)(8)).
- (15) "Full-building commissioning" means the process of verification that a building's energy related systems are installed, calibrated, and perform according to project requirements, design basis, and construction documents. The systems that require commissioning include mechanical and passive heating, ventilation, air conditioning, and refrigeration systems, and associated controls such as lighting, domestic hot water systems, and renewable energy systems.
- (16) "GBAC" means the Green Building Advisory Council established by section 10.
- (17) "Green building" means an integrated, whole-building approach to the planning, design, construction, operation, and maintenance of buildings and their surrounding landscapes that help mitigate the environmental, economic, and social impacts of buildings, so that they are energy efficient, sustainable, safe, cost-effective, accessible, healthy, and productive.
- (18) "Green building checklist" means a scorecard developed by the USGBC for the purpose of calculating a score on the appropriate LEED rating system.
- (19) "Green Building Expedited Construction Documents Review Program" means the processing procedure for qualified building construction permit applications and construction documents established by section 7.
- (20) "Green Building Fund" or "Fund" means the Green Building Fund established by section 8.
- (21) "Green Communities" means the national green building program designed by Enterprise Community Partners that provides criteria for the design, development, and operation of affordable housing.
- (22) "Gross floor area" has the same definition as found in section 199.1 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR § 199.1).
- (23) "HVAC&R" means mechanical and passive heating, ventilation, air conditioning, and refrigeration systems.
- (24) "ICC" means the International Code Council, a nonprofit organization.
- (25) "IECC" means the International Energy Conservation Code developed by the ICC.
- (26) "LEED" means the series of Leadership in Energy and Environmental

Design green building rating systems designed by the USGBC.

(27) "LEED-CI" means the LEED for Commercial Interiors (LEED-CI) green building rating system designed by the USGBC.

(28) "LEED-CS" means the LEED for Core and Shell (LEED-CS) green building rating system designed by the USGBC.

(29) "LEED-H" means the LEED for New Homes (LEED-H) green building rating system being designed by the USGBC.

(30) "LEED-NC" means the LEED for New Construction and Major Renovations (LEED-NC) green building rating system designed by the USGBC.

(31) "LEED for Schools" means the LEED green building rating system being designed by the USGBC.

(32) "Maintenance accountability method" means a system for maintaining building performance standards, including annual building performance reporting that publicly compares actual energy consumption to benchmarks using the ENERGY STAR Portfolio Manager tool for all building types for which it is available; the description of changes to operations and maintenance arrangements and procedures for major energy-consuming equipment; the maintenance of manuals, manufacturer's literature, model numbers, methods of operation, and maintenance practices for installed building systems; the records of metering systems and mechanisms for the monitoring and control of energy consumption; and the collection of complete "as-built" drawing sets and information on best practices for building maintenance, housekeeping, pest management, and mold prevention.

(33) "New construction" means the construction of any building whether as a stand-alone building or an addition to an existing building. The term "new construction" includes new buildings and additions or enlargements of existing buildings, exclusive of any alterations or repairs to any existing portion of a building.

(34) "Performance bond" means a bond to secure performance and fulfillment of an obligation under this act.

(35) "Project" means the construction of single or multiple buildings that are part of one development scheme, built at one time or in phases.

(36) "Property disposition by lease" means a lease, inclusive of options, of real property, as defined in section 1a of An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes, effective March 15, 1990 (D.C. Law 8-96; D.C. Official Code § 10-801.01), for a period of greater than 20 years.

(37) "Property disposition by sale" means a sale of real property, as defined in section 1a of An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes, effective March 15, 1990 (D.C. Law 8-96; D.C. Official Code § 10-801.01), in whole or in part, to the highest bidder for real property 10,000 square feet or more.

(38) "Public financing" means:

(A) Proceeds of any revenue bonds or tax increment financing that result in a financial benefit from an agency, commission, instrumentality, or other entity of the District government; or

(B) Financing whose stated purpose is to provide for the new construction or substantial rehabilitation of affordable housing.

(39) "Public school" means schools owned, operated, or maintained by the District of Columbia Public Schools ("DCPS"), or a public charter school chartered by DCPS, and those schools' educational facilities.

(40) "Substantial improvement" has the same meaning as in section 202 of Title 12J of the District of Columbia Municipal Regulations (12J DCMR § 202).

(41) "Total project cost" means the total of:

- (A) Hard construction costs;
- (B) Site acquisition costs; provided, that a site was acquired within 2 years of first building permit application; and
- (C) Soft costs; provided, that the soft costs shall not exceed 25% of the hard construction costs.

(42) "USGBC" means the United States Green Building Council.

(43) "Verification" or "verified" means confirmation by an entity described in section 5 that the green building requirements of this act have been fulfilled.

Sec. 3. Publicly-owned, private leasing of public property, publicly financed buildings, and tenant improvements.

(a) This section shall apply to all new construction and substantial improvements of District-owned or District instrumentality-owned projects, which are:

- (A) Initially funded in the Fiscal Year 2008 budget or later;
- (B) Constructed or substantially improved:
  - (i) As a result of a property disposition by lease where District-owned or District instrumentality-owned property is leased to private entities; or
  - (ii) If 15% or more of a project's total project cost is publicly financed in Fiscal Year 2009 or later.

(b)(1) A nonresidential project shall:

(A)(i) Be designed to achieve 75 points on the EPA national energy performance rating system as determined by the ENERGY STAR Target Finder Tool and be benchmarked annually using the ENERGY STAR Portfolio Manager benchmarking tool; provided, that the building has 10,000 square feet of gross floor area or more and is of a building type for which ENERGY STAR tools are available.

(ii) Renovated buildings shall be exempt from the Target Finder requirement. Benchmark and Target Finder scores and ENERGY STAR statements of energy performance for each building shall be made available to the general public within 60 days after they are generated;

(B) Upon receipt of a certificate of occupancy, institute building systems monitoring and maintenance accountability methods; and

(C)(i) Within 2 years after the receipt of a certificate of occupancy, be verified as having fulfilled or exceeded the standard set forth in sub-subparagraph (ii) or (iii) of this subparagraph.

(ii) Nonresidential projects other than public schools shall be verified as having fulfilled or exceeded the LEED-NC 2.2 or the LEED-CS 2.0 standard at the silver level.

(iii) Within the later of 90 days of the release by USGBC of the LEED for Schools rating system or the effective date of this act, the Mayor shall review LEED for Schools and shall promulgate rules to require public schools to be verified as having fulfilled or exceeded either LEED for Schools standard at the certification level or a substantially equivalent rating system that requires full-building commissioning.

(c) A residential project with 10,000 square feet of gross floor area or more shall fulfill or exceed the Green Communities 2006 standard or a substantially equivalent standard. All such

projects shall submit a copy of the Green Communities Self Certification Check List and verification of meeting Green Communities requirements for energy efficiency to the Department as part of the application for a certificate of occupancy.

(d) On or before October 1, 2008, each tenant of a building that has a certificate of occupancy for a commercial use and that improves District-owned or District instrumentality-owned building space of at least 30,000 square feet gross floor area or more, with an improvement that requires comprehensive construction or alteration of partitions, electrical systems, HVAC & R, and finishes, shall obtain a verification that the improved building space fulfills or exceeds the LEED-CI 2.0 standard at the certification level.

#### Sec. 4. Privately-owned buildings.

(a) A new construction or substantial improvement of a nonresidential privately-owned project with 50,000 square feet of gross floor area or more shall:

(1) On or before January 1, 2009, submit to the Department, as part of any building construction permit application, a green building checklist documenting the green building elements to be pursued in the building construction permit.

(2) Within 2 years of the receipt of a certificate of occupancy, be verified in subsection (b) of this section as having fulfilled or exceeded the green building requirements.

(b)(1) A project that has submitted an application for the first building construction permit after January 1, 2010, for new construction or substantial improvements for real property acquired by a real property disposition by sale to a private entity undertaken by the District or an instrumentality of the District shall be verified as having fulfilled or exceeded the LEED-NC 2.2 or LEED-CS 2.0 standard at the certification level.

(2) A project that has submitted the first construction building construction permit after January 1, 2012, for new construction or substantial improvements shall fulfill the following requirements as applicable:

(A) A nonresidential project and a post-secondary educational facility projects shall be verified as having fulfilled or exceeded the LEED-NC 2.2 or LEED-CS 2.0 standard at the certification level.

(B) An educational facility project, except a post-secondary educational facility project, shall be verified as having fulfilled or exceeded the LEED for Schools standard at the certification level or a substantially equivalent rating system that requires full-building commissioning.

#### Sec. 5. Compliance review.

(a) The Mayor shall verify compliance with the requirements of this act as specified in sections 3 and 4 through:

(1) An agency of the District government; or

(2) Third-party entities which meet criteria to be established by the Mayor by rulemaking within 180 days of the effective date of this act.

(b) The Mayor shall review the qualifications of each third-party entity approved under subsection (a)(2) of this section at least every 2 years to determine if the entity shall remain eligible to conduct the verifications required in sections 3 and 4.

(c) Notwithstanding the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), for the purposes of establishing compliance with standards in sections 3 and 4, verification of a project shall be based upon the standards in effect 6 months prior to the submission of the first construction

permit application.

(d) Verification that a project has complied with the requirements of this act shall not relieve an applicant of any obligations or liabilities otherwise existing under law and shall not relieve the District of its obligation to review all construction documents in the manner otherwise prescribed by law.

(e) An applicant may apply for verification of a project by the Mayor at any time.

(f) Verification decisions by the Mayor shall be considered official interpretations of the requirements of this act and may be appealed by an applicant pursuant to subsection 112.1 of Title 12 of the District of Columbia Municipal Regulations (12 DCMR § 112.1).

#### Sec. 6. Performance bond.

(a) A commercial applicant who applies for an incentive described in section 7 shall provide a performance bond which shall be due and payable upon approval of the first building construction permit application.

(b) On or before January 1, 2012, all applicants for construction governed by section 4 shall provide a performance bond, which shall be due and payable prior to receipt of a certificate of occupancy.

(c) For the purpose of compliance with subsections (a) and (b) of this section, in lieu of the bond required by this section, the Mayor may accept an irrevocable letter of credit from a financial institution authorized to do business in the District or evidence of cash deposited in an escrow account in a financial institution in the District in the name of the licensee and the District. The letter of credit or escrow account shall be in the amounts required by subsection (d) of this section.

(d) The amount of the required performance bond under subsection (a) of this section shall be 1% of the incentive provided.

(e) The amount of the required performance bond under subsection (b) of this section shall be:

(1) For a project not exceeding 150,000 square feet of gross floor area, 2% of the total cost of the building;

(2) For a project from 150,001 to 250,000 square feet of gross floor area, 3% of the total cost of the building; and.

(3) For a project exceeding 250,000 square feet building of gross floor area, 4% of the total cost of the building.

(f) The maximum amount of a performance bond shall be \$3 million.

(g) All or part of the performance bond shall be forfeited to the District and deposited in the Green Building Fund if the building fails to meet the verification requirements described in sections 3 and 4.

(h) The District shall draw down on the bond funds if the required green building verification is not provided within 2 years after receiving the first certificate of occupancy.

(i) The Mayor shall promulgate rules to establish additional requirements for the drawing down or return of the performance bond.

#### Sec. 7. Incentives.

(a) Within 180 days of the effective date of this act, the Mayor shall establish an incentive program to promote early adoption of green building practices by applicants for building construction permits for private residential and commercial buildings. The incentive

program shall be funded by funds deposited in the Green Building Fund, subject to the availability of funds. As part of the incentive program, the Mayor shall establish a Green Building Expedited Construction Documents Review Program and may provide grants to help defray costs associated with the early adoption of green building practices.

(b)(1) The Mayor shall establish within the Department a Green Building Expedited Construction Documents Review Program.

(2)(A) The Department shall employ:

(i) One green building development ambassador and one green building construction permit application reviewer by October 1, 2008; and

(ii) One green building inspector by October 1, 2009.

(B) The green building development ambassador, the green building construction permit application reviewer, and the green building inspector shall primarily expedite green building construction permit applications.

(3) If the Director is satisfied that the construction documents or the components of the construction documents conform with the requirements of the Construction Codes and that all applicable laws, rules, and regulations under the authority of the Department, and all outside agencies have performed required reviews and approvals, the Director shall approve the construction documents or components of the construction documents within 30 days of submission; provided, that all information necessary for approval is provided by the applicant at the time of application. If additional information is needed by the Department to process a construction permit application, the 30-day period shall be suspended until the applicant supplies the requested information.

(4) Within 180 days of the effective date of this act, the Mayor shall submit to the Council proposed rules for the establishment of 30-day expedited document review programs within all other District agencies that must approve building construction permits.

(c)(1) Incentives in the form of grants shall be available from:

(A) October 1, 2009 until December 31, 2011, to any applicant for a building construction permit for a commercial private building that will fulfill or exceed the verification requirements of the LEED-NC 2.2, LEED-CI 2.0, or LEED-CS 2.0 standard at the certification level.

(B) January 1, 2012 until December 31, 2015, to any applicant for a building construction permit for a commercial private building that will fulfill or exceed the verification requirements of the LEED-NC 2.2, LEED-CI 2.0, or LEED-CS 2.0 standard at the silver level.

(C) October 1, 2009 until December 31, 2015, to any applicant for a building construction permit for a residential private building that will fulfill or exceed the verification requirements of the LEED-NC 2.2, LEED-CS 2.0, or Green Communities 2006 standard.

(2) Within the later of 90 days after the release by USGBC of the LEED for Homes rating system or the effective date of this act, the Mayor shall review LEED for Homes. If the Mayor considers LEED for Homes an appropriate incentive under this subsection, the Mayor shall promulgate rules to implement the incentive.

(d) The Mayor shall promulgate rules governing residential applicants who fail to fulfill the requirements of an incentive received under this section.

#### Sec. 8. Green Building Fund.

(a) There is established a fund designated as the Green Building Fund, which shall be

separate from the General Fund of the District of Columbia. All additional monies obtained pursuant to sections 6 and 9, and all interest earned on those funds, shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress, and used solely to pay the costs of operating and maintaining the Fund and for the purposes stated in subsection (c) of this section. All funds, interest, and other amounts deposited into the Fund shall not be transferred or revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall continually be available for the uses and purposes set forth in this section, subject to authorization by Congress in an appropriations act.

(b) The Mayor shall administer the monies deposited in the Fund.

(c) The Fund shall be used as follows:

(1) Staffing and operating costs to provide technical assistance, plan review, and inspections and monitoring of green buildings;

(2) Education, training and outreach to the public and private sectors on green building practices; and

(3) Incentive funding for private buildings as provided for in section 7.

#### Sec. 9. Green building fee.

(a) A green building fee is established to fund the implementation this act and the Green Building Fund.

(b) Upon the effective date of this act, the green building fee shall be established by increasing the building construction permit fees in effect at the time in accordance with the following schedule of additional fees:

(1) New construction – an additional \$0.0020 per square foot.

(2) Alterations and repairs exceeding \$1,000 but not exceeding \$1 million - an additional 0.13% of construction value; and

(3) Alterations and repairs exceeding \$1 million - an additional 0.065% of construction value.

#### Sec. 10. Establishment of the Green Building Advisory Council.

(a) The Department of the Environment shall provide the central coordination and technical assistance to District agencies and instrumentalities in the implementation of the provisions of this act.

(b) Within 90 days after the effective date of this act, the Mayor shall establish a Green Building Advisory Council to monitor the District's compliance with the requirements of this act and to make policy recommendations designed to continually improve and update the act.

(c)(1) The GBAC shall consist of the following 13 members:

(A) The Director of the Department of the Environment, or the Director's designee;

(B) The Director of the Office of Planning, or the Director's designee;

(C) The Director of the Office of Property Management, or the Director's designee;

(D) The Director of the Department of Consumer and Regulatory Affairs, or the Director's designee;

(E) The Director of the Department of Housing and Community Development, or the Director's designee;

(F) Six members appointed by the Mayor comprised in equal number of representatives from the private and nonprofit sectors;

(G) One member appointed by the chairperson of the committee of the Council that oversees the building construction permit function in the District of Columbia; and

(H) One member appointed by the chairperson of the Committee of the Council that oversees the Department of the Environment.

(2) Members of the GBAC who are not ex officio members shall have expertise in building construction, development, engineering, natural resources conservation, energy conservation, green building practices, environmental protection, environmental law, or other similar green building expertise.

(3) The Chairperson of the GBAC shall be the Director of the Department of the Environment.

(4) All members of the GBAC shall either work in, or be residents of the District, and shall serve without compensation.

(5) The members shall serve a 2-year term.

(6) A member appointed to fill a vacancy or after a term has begun, shall serve only for the remainder of the term or until a successor is appointed.

(d) The GBAC shall advise the Mayor on:

(1) The development, adoption, and revisions of this act, including suggestions for additional incentives to promote green building practices;

(2) The evaluation of the effectiveness of the District's green building policies and their impact on the District's environmental health, including the relation of the development of the District's green building policies to the specific environmental challenges facing the District;

(3) The green building practices to be included in the triennial revisions of the Construction Codes; and

(4) The promotion of green building education, including educating relevant District employees, the building community, and the public regarding the benefits and techniques of high-performance building standards.

(e) The GBAC shall meet at least 6 times each year.

(f) GBAC shall issue an annual report of its recommendations. The report shall include recommended updates of green building standards, building systems monitoring and data compiled from District-owned or District instrumentality-owned and operated buildings, and an analysis of the building projects exempted by the Mayor under section 11. The report shall be distributed to all members of the Council and the Mayor and made available to the general public within 30 days after its issuance.

#### Sec. 11. Exemptions and extensions.

(a)(1) The Mayor may, in unusual circumstances and only upon a showing of good cause, grant an exemption from any of the requirements of this act based on:

(A) Substantial evidence of a practical infeasibility or hardship of meeting a required green building standard;

(B) A determination that the public interest would not be served by complying with such requirements; or

(C) Other compelling circumstances as determined by the Mayor by rulemaking.

(2) The burden shall be on the applicant to show circumstances to establish hardship or infeasibility under this section.

(3) If the Mayor determines that the required verification requirement is not

practicable for a project, the Mayor shall determine if another green building standard is practicable before exempting the project from all green building requirements.

(4) The Mayor shall promulgate rules to establish requirements for the exemption process within 180 days of the effective date of this act.

(b) Notwithstanding any other provision of this act, construction encompassed by building construction permits applied for within 6 months of the effective date of this act shall be exempt from the verification requirements of this act.

(c) Notwithstanding any other provision of this act, construction encompassed by a contract for a disposition agreement with the District or an instrumentality of the District for a property disposition for which a request for proposals was released prior to the effective date of this act shall be exempt from the relevant LEED-NC 2.2, LEED-CI 2.0, or LEED-CS 2.0 verification requirements, unless the disposition agreement is executed more than 12 months after the effective date of this act.

(d) Notwithstanding any other provision of this act, the Mayor, upon a finding of reasonable grounds, may extend the period for green building verifications required in sections 3 and 4, for 3 successive 4-month periods.

#### Sec. 12. Rulemaking.

(a) Within 180 days of the effective date of this act, the Mayor shall promulgate rules to implement this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

(b) The Mayor may issue proposed rules to adopt future amendments, supplements, and editions of the LEED rating system, or any other rating system, in whole or in part. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

Sec. 13. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended by adding a new section 10c to read as follows:

“Sec. 10c. Construction Codes revisions for green building practices.

“(a) On or before January 1, 2008, the Mayor, in consultation with the Green Building Advisory Council, shall submit to the Council for approval Construction Codes revisions that shall incorporate as many green building practices as practicable for the Washington, D.C. urban environment. If conflicts arise between the existing Construction Codes and green building practices, green building practices shall have priority; existing Construction Codes requirements may remain, if they are more stringent than a relevant green building practice or when the Director determines that giving priority to a green building practice would not serve the public interest. The Construction Codes revisions shall also update the District’s building energy code requirements in effect at the time to those required by the International Energy Conservation Code 2006.

“(b) Every 6 months after the effective date of the Green Building Act of 2006, passed by the Council on December 5, 2006 (Enrolled version of Bill 16-515), the Mayor shall provide a written report on the progress of the current round of Construction Codes revisions to the

chairperson of the committee of the Council that oversees the District agency charged with the building permit function. The report accompanying the final Construction Codes revisions shall include a listing and description of each green building practice considered and why each practice was, or was not included, in the respective Construction Codes revision. On or before January 1, 2010, and after at least every 3 years by January 1 of the relevant year, the Mayor shall submit to the Council for approval Construction Codes revisions that are consistent with the requirements of this section, and that incorporate green building practices developed since the previous Construction Codes revisions.”.

Sec. 14. The Office of Property Management Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 10-1001 *et seq.*), is amended by adding a new section 1806j to read as follows:

“Sec. 1806j. Green building priority.

“(a) As of October 1, 2008, priority consideration for the District government’s facility needs shall be given to buildings fulfilling or exceeding the LEED-NC 2.2 standard or the LEED-CS 2.0 standard at the silver level. For purposes of this subsection, the terms “LEED-NC” and “LEED-CS” shall have the same meaning as in section 2 of the Green Building Act of 2006, passed on 2<sup>nd</sup> reading on December 5, 2006 (Enrolled version of Bill 16-515).

“(b) The Mayor shall promulgate rules for the evaluation of the factors to be considered under subsection (a) of this section.”.

Sec. 15. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

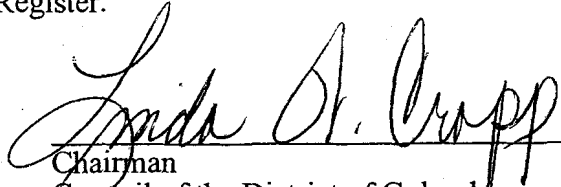
Sec. 16. Fiscal impact statement

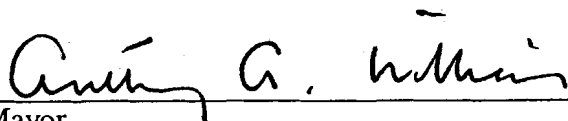
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (84 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 17. Effective date

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

AN ACT  
D.C. ACT 16-591IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
DECEMBER 28, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2007 Winter  
Supp.West Group  
Publisher

To amend Chapter 5 of Title 21 of the District of Columbia Official Code to provide that the commitment of a person for an indeterminate period under section 21-545 of the District of Columbia Official Code shall expire 548 days after the effective date of a federal law enacting provisions of the Mental Health Civil Commitment Act of 2002 that will make all subsequent commitments for a one-year period, unless the chief clinical officer of the Department, facility, hospital, or mental health provider has petitioned for recommitment of the person.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mental Health Civil Commitment Extension Act of 2006".

Sec. 2. Chapter 5 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase "21-589.01. Interim provisions for term of commitment for persons committed prior to January 1, 2003." and inserting the phrase "21-589.01. Interim provisions for term of commitment." in its place.

(b) Section 21-589.01 is amended to read as follows:

"§ 21-589.01. Interim provisions for term of commitment.

"(a) The commitment of a person committed under section 21-545 for an indeterminate period of time shall expire 548 days after December 10, 2004, unless the chief clinical officer of the Department, facility, hospital, or mental health provider has petitioned for recommitment of the person.

"(b) A petition for recommitment under this section shall be subject to the provisions for a petition for renewal of commitment brought under section 21-545.01 unless the provision is inconsistent with this section.

"(c) A petition for recommitment may be filed at any time during the 548-day period, but not later than 60 days prior to the expiration of the 548-day period. For good cause shown, a petition for recommitment may be filed within the last 60 days of the 548-day period.

"(d) If a petition for recommitment is pending at the expiration of the 548-day period, the period of commitment shall be extended pending resolution of the petition.

"(e) This section shall apply as of July 20, 2005."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

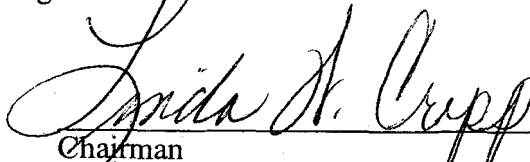
Amend  
§ 21-589.01

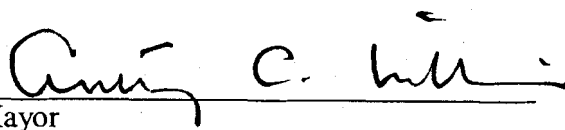
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Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 206.02(c)(1)), and publication in the District of Columbia Register.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

AN ACT  
D.C. ACT 16-592

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
DECEMBER 28, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2007 Winter  
Supp.

West Group  
Publisher

To amend AN ACT to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to provide for civil fines, penalties, and fees to be imposed as additional sanctions for any infraction of certain provisions; and to amend the Rental Housing Act of 1985 to clarify the duties of the Office of the Tenant Advocate to include assistance to tenant organizations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Additional Sanctions for Nuisance Abatement and Office of the Tenant Advocate Duties Clarification Amendment Act of 2006".

Sec. 2. Section 10(c) of AN ACT to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3131.10(c)), is amended to read as follows:

Amend  
§ 42-3131.10

"(c) Civil fines, penalties, and fees may be imposed as additional sanctions for any infraction of the provisions of sections 6, 7, 9, or 12, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*)."

Sec. 3. Section 2067 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3531.07), is amended to read as follows:

Amend  
§ 42-3531.07

"Sec. 2067. Duties of the Office of the Tenant Advocate.

"The Office shall:

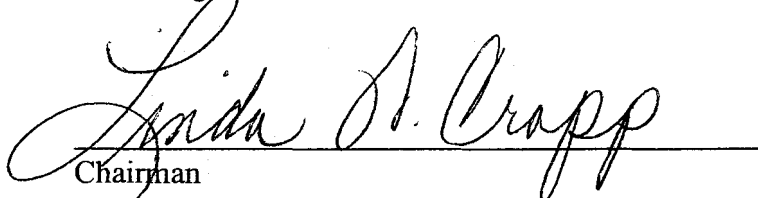
"(1) Provide education and outreach to tenants and the community about laws, rules, and other policy matters involving rental housing, including tenant rights under the petition process and formation of tenant organizations;

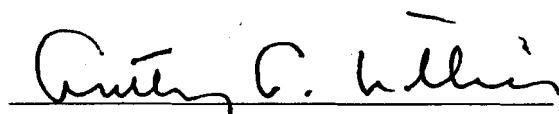
"(2) Represent the interest of tenants and tenant organizations in legislative, executive, and judicial issues, including advocating changes in laws and rules and reviewing landlord petitions on behalf of tenants;

- "(3) Advise tenants and tenant organizations on filing complaints and petitions, including petitions in response to disputes with landlords;
- "(4) Advise and assist tenants and tenant organizations at conciliation meetings;
- "(5) Represent tenants and tenant organizations in court or administrative proceedings;
- "(6) Organize tenant and tenant organizations participation in building-wide inspections; and
- "(7) Operate a Tenant Phone Hotline and Tenant Center."

Sec. 4. The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

AN ACT  
D.C. ACT 16-593

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
DECEMBER 28, 2006

*Codification  
District of  
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2001 Edition

2007 Winter  
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West Group  
Publisher

To amend Title 28 of the District of Columbia Official Code to ensure that consumers are notified when electronically-stored personal information is compromised in a way that increases the risk of identity theft, to create a private right of action for consumers harmed by a violation of the notification requirement, and to provide for enforcement by the Attorney General.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Consumer Personal Information Security Breach Notification Act of 2006".

Sec. 2. Title 28 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Chapter 38 is amended to read as follows:

"CHAPTER 38. CONSUMER PROTECTIONS.

"Subchapter I. General.

"Sec.

"28-3801. Scope--Limitation on agreements and practices.

"28-3802. Definitions.

"28-3803. Balloon payments.

"28-3804. Assignment of earnings and authorization to confess judgment prohibited.

"28-3805. Debts secured by cross-collateral.

"28-3806. Attorney's fees.

"28-3807. Negotiable instruments prohibited.

"28-3808. Assignees subject to defenses.

"28-3809. Lender subject to defenses arising from sales.

"28-3810. Referral sales.

"28-3811. Home solicitation sales.

"28-3812. Limitation on creditors' remedies.

"28-3813. Consumers' remedies.

"28-3814. Debt collection.

"28-3815. Administrative enforcement.

"28-3816. Inconsistent laws: What law governs.

"28-3817. Health spa sales.

"28-3818. Layaway plans.

"28-3819. Rental housing locators.

"Subchapter II. Consumer Personal Information Security Breach Notification.

"§ 28-3851. Definitions.

“§ 28-3852. Notification of security breach.

“§ 28-3853. Enforcement.”.

(b) The existing sections 38-3801 through 38-3819 are designated as “Subchapter I. General.”.

(c) A new subchapter II is added to read as follows:

“Subchapter II. Consumer Security Breach Notification.

“§ 28-3851. Definitions.

“For purposes of this subchapter, the term:

“(1) “Breach of the security of the system” means unauthorized acquisition of computerized or other electronic data, or any equipment or device storing such data, that compromises the security, confidentiality, or integrity of personal information maintained by the person or business. The term “breach of the security system” shall not include a good faith acquisition of personal information by an employee or agent of the person or business for the purposes of the person or business if the personal information is not used improperly or subject to further unauthorized disclosure. Acquisition of data that has been rendered secure, so as to be unusable by an unauthorized third party, shall not be deemed to be a breach of the security of the system.

“(2) “Notify” or “notification” means providing information through any of the following methods:

“(A) Written notice;

“(B) Electronic notice, if the customer has consented to receipt of electronic notice consistent with the provisions regarding electronic records and signatures set forth in the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 641; 15 U.S.C.S. §7001); or

“(C)(i) Substitute notice, if the person or business demonstrates that the cost of providing notice to persons subject to this subchapter would exceed \$50,000, that the number of persons to receive notice under this subchapter exceeds 100,000, or that the person or business does not have sufficient contact information.

“(ii) Substitute notice shall consist of all of the following:

“(I) E-mail notice when the person or business has an e-mail address for the subject persons;

“(II) Conspicuous posting of the notice on the website page of the person or business if the person or business maintains one; and

“(III) Notice to major local and, if applicable, national media.

“(3)(A) “Personal information” means:

“(i) An individual's first name or first initial and last name, or phone number, or address, and any one or more of the following data elements:

“(I) Social security number;

“(II) Driver's license number or District of Columbia Identification Card number; or

“(III) Credit card number or debit card number; or

“(ii) Any other number or code or combination of numbers or codes, such as account number, security code, access code, or password, that allows access to or use of an individual's financial or credit account.

“(B) For purposes of this paragraph, the term “personal information” shall not include publicly available information that is lawfully made available to the general

public from federal, state, or local government records.

“§ 28-3852. Notification of security breach.

“(a) Any person or entity who conducts business in the District of Columbia, and who, in the course of such business, owns or licenses computerized or other electronic data that includes personal information, and who discovers a breach of the security of the system, shall promptly notify any District of Columbia resident whose personal information was included in the breach. The notification shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subsection (d) of this section, and with any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

“(b) Any person or entity who maintains, handles, or otherwise possesses computerized or other electronic data that includes personal information that the person or entity does not own shall notify the owner or licensee of the information of any breach of the security of the system in the most expedient time possible following discovery.

“(c) If any person or entity is required by subsection (a) or (b) of this section to notify more than 1,000 persons of a breach of security pursuant to this subsection, the person shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined by section 603(p) of the Fair Credit Reporting Act, approved October 26, 1970 (84 Stat. 1128; 15 U.S.C. § 1681a(p)), of the timing, distribution and content of the notices. Nothing in this subsection shall be construed to require the person to provide to the consumer reporting agency the names or other personal identifying information of breach notice recipients. This subsection shall not apply to a person or entity who is required to notify consumer reporting agencies of a breach pursuant to Title V of the Gramm-Leach-Bliley Act, approved November 12, 1999 (113 Stat. 1436; 15 U.S.C. § 6801 *et seq.*).

“(d) The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation but shall be made as soon as possible after the law enforcement agency determines that the notification will not compromise the investigation.

“(e) Notwithstanding subsection (a) of this section, a person or business that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this subchapter shall be deemed to be in compliance with the notification requirements of this section if the person or business provides notice, in accordance with its policies, reasonably calculated to give actual notice to persons to whom notice is otherwise required to be given under this subchapter. Notice under this section may be given by electronic mail if the person or entity's primary method of communication with the resident is by electronic means.

“(f) A waiver of any provision of this subchapter shall be void and unenforceable.

“(g) A person or entity who maintains procedures for a breach notification system under Title V of the Gramm-Leach-Bliley Act, approved November 12, 1999 (113 Stat. 1436; 15 U.S.C. § 6801 *et seq.*) (“Act”), and provides notice in accordance with the Act, and any rules, regulations, guidance and guidelines thereto, to each affected resident in the event of a breach, shall be deemed to be in compliance with this section.

“§ 28-3853. Enforcement.

“(a) Any District of Columbia resident injured by a violation of this subchapter may institute a civil action to recover actual damages, the costs of the action, and reasonable attorney's fees. Actual damages shall not include dignitary damages, including pain and

suffering.

“(b) The Attorney General may petition the Superior Court of the District of Columbia for temporary or permanent injunctive relief and for an award of restitution for property lost or damages suffered by District of Columbia residents as a consequence of the violation of this subchapter. In an action under this subsection, the Attorney General may recover a civil penalty not to exceed \$100 for each violation, the costs of the action, and reasonable attorney's fees. Each failure to provide a District of Columbia resident with notification in accordance with this section shall constitute a separate violation.

“(c) The rights and remedies available under this section are cumulative to each other and to any other rights and remedies available under law.”.

(d) Section 28-3911(b)(1) is amended by striking the phrase “sections 28-3909 and 28-3905(i)(4)” and inserting the phrase “sections 28-3853, 28-3909, and 28-3905(i)(4)” in its place.

Amend  
§ 28-3911

Sec. 3. Applicability.

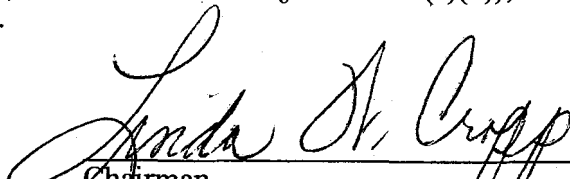
This act shall apply as of July 1, 2007.

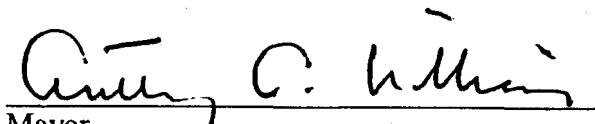
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

AN ACT  
D.C. ACT 16-594IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
DECEMBER 28, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2007 Winter  
Supp.West Group  
Publisher

To amend Title 28 of the District of Columbia Code to provide consumers with a right to obtain a security freeze on a credit report, to clarify the responsibilities of credit reporting agencies to place and remove security freezes, to provide consumers with a private right of action against willful or negligent violations of security freezes, and to provide for enforcement by the Attorney General.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Consumer Security Freeze Act of 2006".

Sec. 2. Title 28 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Chapter 38 is amended by adding the following at the end to read as follows:

"Subchapter III. Consumer Security Freeze.

"§ 28-3861. Definitions.

"§ 28-3862. Security freeze.

"§ 28-3863. Notice of rights.

"§ 28-3864. Enforcement.

(b) A new subchapter III is added to read as follows:

"Subchapter III. Consumer Security Freeze.

"§ 28-3861. Definitions.

"For the purposes of this subchapter, the term:

"(1) "Consumer" means an individual who resides in the District of Columbia.

"(2) "Credit report" means information maintained by a credit reporting agency bearing on a consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, which is used or expected to be used or collected in whole or in part for:

"(A) Serving as a factor in establishing the consumer's eligibility for credit or insurance to be used primarily for personal, family, or household purposes;

"(B) Employment purposes; or

"(C) Any other purpose authorized under the Fair Credit Reporting Act, approved October 26, 1970 (84 Stat. 1127; 15 U.S.C. § 1681b).

"(3) "Credit reporting agency" means any person who, for consideration, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of maintaining consumers' credit information for the purpose of furnishing the information to third parties.

"(4) "Proper identification" means information generally considered sufficient to identify a person. Additional information concerning the consumer's employment and personal

or family history shall not be included within the term "proper identification" unless the consumer is unable to reasonably identify himself or herself with other information generally considered sufficient.

"(5) "Security freeze" or "freeze" means a restriction, at the request of the consumer and subject to certain exceptions, that prohibits the credit reporting agency from releasing all or any part of a credit report or any information derived from it without the express authorization of the consumer.

"§ 28-3862. Security freeze.

"(a) A credit reporting agency shall place a security freeze on a consumer's credit report if a consumer, providing proper identification, makes a request to the credit reporting agency by certified mail. In addition, on or before January 31, 2009, a credit reporting agency shall make available an Internet-based method of requesting a security freeze and shall accept requests by one of the following methods: telephone or regular mail.

"(b) A credit reporting agency shall place the security freeze on the consumer's credit report no later than 3 business days after receiving the request.

"(c) The credit reporting agency shall send a written confirmation of the security freeze to the consumer within 5 business days of placing the freeze and at the same time shall provide the consumer with a unique personal identification number or password to be used by the consumer when providing authorization for the release of his or her credit report to a specific party or for a specific period of time.

"(d) A consumer may thereafter request that a credit reporting agency allow his or her credit report to be accessed by a specific party or for a specific period of time by providing the following:

"(1) Proper identification;

"(2) The unique personal identification number or password provided by the credit reporting agency pursuant to subsection (c) of this section; and

"(3) The identity of the third party to receive the credit report or the time period for which the report shall be available to users of the credit report, if applicable.

"(e)(1) A credit reporting agency that receives a request pursuant to subsection (d) of this section shall comply with the request no later than 3 business days after receiving the request.

"(2) On or before September 1, 2008, the consumer reporting agency shall develop the capability, and offer the option to the consumer, of honoring a request under subsection (d) of this section, through Internet-based and telephonic methods, within 15 minutes after the consumer's request is received by the consumer reporting agency. A consumer reporting agency shall not be required to lift a security freeze within 15 minutes if:

"(A) The consumer fails to meet the requirements of subsection (d) of this section; or

"(B) The consumer reporting agency is unable to lift the security freeze because of:

"(i) An act of God, including fire, earthquakes, hurricanes or storms;

"(ii) Unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, labor strikes, or disputes disrupting operations;

"(iii) Operational interruption, including electrical failure, unanticipated delay in equipment or replacement part delivery, or computer hardware or software failures inhibiting response time;

“(iv) Governmental action, including emergency orders or regulations, judicial or law enforcement action, or similar directives;

“(v) Regularly scheduled maintenance during other than normal business hours of, or updates to, the consumer reporting agency's systems; or

“(vi) Commercially reasonable maintenance of, or repair to, the consumer reporting agency's systems that is unexpected or unscheduled.

“(f) A credit reporting agency may develop procedures involving the use of telephone, fax, or, upon the consent of the consumer in the manner required by the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 *et seq.*), for legally required notices, by the Internet, e-mail, or other electronic media, to receive and process a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection (d) of this section.

“(g) A credit reporting agency may permanently remove a freeze placed on a credit report, without a request from the consumer, if the credit reporting agency placed the freeze as a result of a material misrepresentation of fact by the consumer.

“(h) A credit reporting agency shall send written notification to the consumer 5 business days prior to permanently removing a freeze on a credit report pursuant to subsection (g) of this section.

“(i) If a third party requests access to a credit report on which a security freeze is in effect in connection with an application for credit and the consumer does not allow his or her consumer report to be accessed by that specific party or for that period of time, the third party may treat the application as incomplete.

“(j) If a security freeze is in place, a credit report shall not be released to a third party without prior express authorization from the consumer. A credit reporting agency may advise a third party that a security freeze is in effect with respect to the credit report.

“(k) A security freeze shall remain in place until the consumer requests its permanent removal in writing. On or before January 31, 2009, a credit reporting agency shall remove a security freeze within 3 business days of receiving a request for permanent removal from the consumer.

“(l) A credit reporting agency shall not suggest or otherwise state or imply to a third party that the consumer's security freeze reflects a negative credit score, history, report, or rating.

“(m) Nothing in this section shall prevent the lawful use of a credit report by any of the following:

“(1)(A) A person or entity (including a subsidiary, affiliate, or agent of that person or entity; an assignee of a financial obligation owing by the consumer to that person or entity; or a prospective assignee of a financial obligation owing by the consumer to that person or entity), with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account in conjunction with the proposed purchase of a financial obligation or collecting the financial obligation owing for the account, contract, or negotiable instrument.

“(B) For purposes of this paragraph, the term “reviewing the account” includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements;

“(2) A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under subsection (d) of this section for purposes of facilitating

the extension of credit or other permissible use;

"(3) A person or entity acting pursuant to a court order, warrant, subpoena, or other compulsory process;

"(4) A state or local agency that administers a program for establishing and enforcing child support obligations;

"(5) A third party for the purposes of prescreening under section 604(e) of the Fair Credit Reporting Act, approved October 26, 1970 (84 Stat. 1129; 15 U.S.C. § 1681b(e));

"(6) A person or entity for the purpose of providing a consumer with a copy of his or her credit report upon the consumer's request;

"(7) An insurance company, licensed in the District, for the purpose of setting or adjusting a rate or premium, adjusting a claim, or underwriting for property and casualty insurance purposes;

"(8) A person or entity administering a credit file monitoring subscription service to which the consumer has subscribed; or

"(9) A state, local, or federal government agency and its agents acting pursuant to a lawful investigation or to fulfill any of its other official duties.

"(n) The following persons are not required to place a security freeze on a credit report:

"(1) A person or entity that acts only as a reseller of credit information by assembling and merging information contained in the database of another person or entity, or multiple persons or entities, and does not maintain a permanent database of credit information from which new credit reports are produced; provided, that a person or entity acting as a reseller shall honor any security freeze placed on a credit report by a credit reporting agency;

"(2) A check services or fraud prevention services company which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments; and

"(3) A deposit account information service company which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution.

"(o) A consumer reporting agency may charge a consumer for a security freeze service only as follows:

"(1) For the initial application for the consumer's first personal identification number or password, the consumer may be charged \$10.

"(2) If the consumer fails to retain the original personal identification number or password provided by the agency, the consumer may not be charged for a one-time reissue of the same or a new personal identification number or password, but may be charged an amount not to exceed \$10 for subsequent instances of loss and reissuance of a new personal identification number or password.

"(3) Notwithstanding the foregoing, a consumer who has been a victim of identity theft shall not be charged any fee, but may be charged an amount not to exceed \$10 for second or subsequent instances of loss and reissuance of a new personal identification number or password, for placement of a security freeze on his or her report.

“§ 28-3863. Notice of rights.

“Each time a credit reporting agency provides a consumer with a copy of the consumer's credit report under section 609 of the Fair Credit Reporting Act, approved October 26, 1970 (84 Stat.1131; 15 U.S.C. § 1681g), the credit reporting agency shall include the following notice with the credit report:

“District of Columbia Consumers Have the Right to Obtain a Security Freeze

“District of Columbia law gives you the right to place a “security freeze” on your credit report. A security freeze restricts when a credit reporting agency may release information in your credit report without your express authorization or approval.

“A security freeze is designed to help prevent credit, loans, and services from being approved in your name without your consent. To obtain a security freeze, you should contact each credit reporting agency. When you place a security freeze on your credit report, the credit reporting agency will send you a personal identification number or password to use if you later choose to lift the freeze from your credit report, or to authorize the release of your credit report to a specific party or parties, or for a specific period of time after the freeze is in place. To provide that authorization, you must contact the credit reporting agency and provide all of the following:

“1. The unique personal identification number or password provided by the credit reporting agency.

“2. Verification of your identity.

“3. Information regarding who may receive the credit report or the period of time for which the report shall be made available.

“Upon receiving your proper request to lift temporarily a freeze from your credit report, the credit reporting agency shall comply within 3 business days. Beginning September 1, 2008, the credit reporting agency is required to provide methods, including web-based and telephonic methods, for you to request that the freeze be temporarily lifted within 15 minutes.

“A security freeze does not apply when you have an existing account relationship and a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control or similar activities.

“If you are actively seeking credit, the procedures involved in lifting a security freeze may slow your own applications for credit. You should plan ahead and consider lifting a freeze - either completely if you are shopping around, or for a specific creditor before actually applying for new credit. Beginning September 1, 2008, you will be able to have a credit reporting agency temporarily lift a freeze on your credit report within 15 minutes of your request.

“You have a right to take legal action against someone who violates your rights under the credit reporting laws. The action can be brought against a credit reporting agency or anyone who fraudulently caused the release of your credit information.”

“§ 28-3864. Enforcement.

“(a) A credit reporting agency that discovers a security breach of credit information in violation of a security freeze shall provide written notice to the affected consumer of the security breach of credit information in accordance with Subchapter II.

“(b) If a credit reporting agency willfully violates the security freeze by releasing credit information that has been placed under a security freeze, the affected consumer may bring a civil action against the credit reporting agency for the following:

“(1) Injunctive relief to prevent or restrain further violation of the security freeze;

“(2) Actual damages;

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“(3) Punitive damages; and

“(4) Reasonable attorney's fees and costs of the action.

“(c) If a credit reporting agency negligently violates the security freeze by releasing credit information that has been placed under a security freeze, the affected consumer may bring a civil action against the credit reporting agency for the following:

“(1) Injunctive relief to prevent or restrain further violation of the security freeze;

“(2) Actual damages; and

“(3) Reasonable attorney's fees and costs of the action.

“(d)(1) The Attorney General may petition the Superior Court of the District of Columbia for temporary or permanent injunctive relief against, and for an award of restitution for property lost or damages suffered by a consumer as a consequence of, a violation of this subchapter by a credit reporting agency, or fraudulent or deceptive conduct that causes the improper release or use of credit information that is subject to a security freeze. Notwithstanding any other provision of this section, only the Attorney General shall enforce the requirements under § 28-3862(e)(2).

“(2) In an action under this section, the Attorney General may recover:

“(A) A civil penalty not to exceed \$1,000 for each violation; and

“(B) Reasonable attorney's fees and costs of the action.”.

### Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

### Sec. 4. Applicability.

This act shall apply as of July 1, 2007.

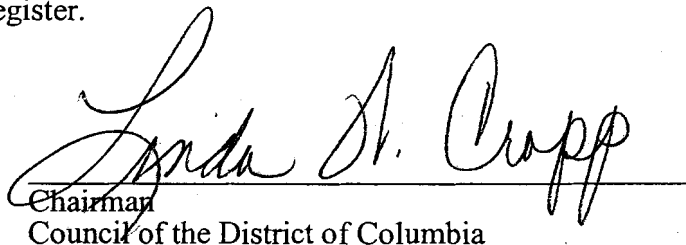
### Sec. 5. Effective date.

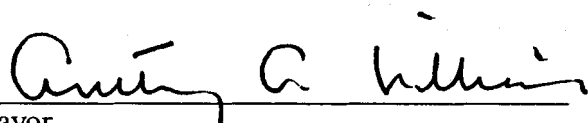
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006

## AN ACT

## D.C. ACT 16-595

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006Codification  
District of  
Columbia  
Official Code

2001 Edition

2007 Winter  
Supp.West Group  
Publisher

To establish an ADA Compliance Program and to establish the Office of Disability Rights.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disability Rights Protection Act of 2006".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "ADA" means the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 327; 42 U.S.C. § 12101 *et seq.*).

(2) "ADA Compliance Program" means the program established by section 3.

(3) "Agency" means all agencies and instrumentalities of the District government.

(4) "Disability" means, with respect to an individual:

(A) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(B) A record of such an impairment; or

(C) Being regarded as having such an impairment.

(5) "Human Rights Act" means the Human Rights Act of 1977, effective December 12, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*).

(6) "Mayor's Committee on Persons with Disabilities" means the Mayor's Committee on Persons with Disabilities, established by Mayor's Order 88-245 (November 16, 1998), and amended by Mayor's Order 2002-79 (April 15, 2002).

(7) "Office" means the Office of Disability Rights established by section 4.

(8) "Office of Human Rights" means the Office of Human Rights established by section 202 of the Office of Human Rights Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1411.01).

(9) "Olmstead Compliance Plan" means a comprehensive working plan, developed in collaboration with individuals with disabilities and with District agencies serving individuals with disabilities, which shall include annual legislative, regulatory, and budgetary recommendations for the District to serve qualified individuals with disabilities in accordance with *Olmstead v. L.C.*, 527 U.S. 581, and in the most integrated setting as provided in 28 C.F.R. Part 35, App. A.

(10) "Rehabilitation Act" means the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 355; 29 U.S.C. § 701 *et seq.*).

## Sec. 3. District of Columbia ADA Compliance Program.

## (a) All agencies shall:

(1) Appoint an agency ADA Coordinator in accordance with 28 C.F.R. Part 35;  
 (2) Complete an annual ADA self-evaluation to determine the status of ADA compliance;

(3) Prepare an annual ADA implementation plan stating action to be taken to provide qualified persons with disabilities in the District with full and complete access to services, activities, and facilities;

(4) Establish and publish uniform grievance procedures in accordance with 28 C.F.R. § 35.107 for prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA; and

(5) Submit the annual ADA self-evaluation and annual ADA implementation plan for approval to the Office of Disability Rights on an annual schedule established by the Office of Disability Rights.

## (b) The Mayor shall:

(1) Establish an ADA Compliance Program that shall include compliance and monitoring procedures for the implementation of the ADA at all agencies; and

(2) Establish and implement an annual *Olmstead* Compliance Plan, as developed under section 5(8).

## Sec. 4. Establishment of the Office of Disability Rights.

## (a) There is established an Office of Disability Rights.

(b) The purpose of the Office is to advance the civil rights of people with disabilities by coordinating the District's ADA Compliance Program and by ensuring and overseeing District-wide compliance with the ADA and related disability-rights laws.

(c)(1) The Office shall be headed by a Director who shall be appointed by the Mayor with the advice and consent of the Council in accordance with section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

(2) The Director shall serve as the Chief Administrative Officer, and may organize personnel, re-delegate authority, develop programs, and take any other action consistent with appropriations and other applicable law. Annual compensation for the Director shall be fixed in accordance with Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.51 *et seq.*).

(3) If the position of Director is vacant or about to be vacant, the Mayor may receive input on the selection of the Director from the Mayor's Committee on Persons with Disabilities and shall endeavor to hire a qualified individual with a disability.

(d) In addition to a Director, the Office shall at a minimum have the following full-time staff:

(1) In fiscal year 2007, 3 full-time staff to include a Deputy Director, a communications specialist, and an administrative assistant;

(2) In fiscal year 2008 and thereafter, the Director may, pursuant to subsection (c) of this section and subject to appropriations, increase the number of staff members and organize the Office as the Director may determine is necessary and appropriate to carry out the Office's mission.

(e) The Director shall endeavor to hire qualified individuals with disabilities.

## Sec. 5. Powers and duties of the Office.

The Office shall:

- (1) Coordinate and oversee the District's ADA Compliance Program;
- (2) Provide ongoing training and technical assistance to agency ADA coordinators;
- (3) Provide ongoing training, technical assistance and community resource referrals to agencies to ensure that agency employment practices, services and supports, facilities, telecommunications, and general policies and practices are fully accessible to people with disabilities and meet the requirements of the ADA, section 504 of the Rehabilitation Act, and the disability rights provisions of the Human Rights Act;
- (4) Evaluate the District's compliance with the ADA, section 504 of the Rehabilitation Act, and the disability rights provisions of the Human Rights Act; report any deficiencies to the Office of Human Rights; and make recommendations for addressing deficiencies to the Mayor;
- (5) Investigate actions or inactions of agencies in alleged violation of the ADA, section 504 of the Rehabilitation Act, and make referrals to the Office of Human Rights, as appropriate, of any actions or inactions that may violate the Human Rights Act;
- (6) Provide information and referral, legal information, and assistance with filing complaints with the Office of Human Rights to individuals who have questions about disability rights or are experiencing obstacles to receiving services;
- (7) Provide a full-time Executive Director and other full staff support to the Mayor's Committee on Persons with Disabilities;
- (8)(A) No later than one year after the establishment of the Office, and by January 1 of each year thereafter, submit to the Mayor and Council an Olmstead Compliance Plan.
  - (B) In developing the Olmstead Compliance Plan, the Office shall work actively with the Mayor's Committee on Persons with Disabilities and shall endeavor to ensure that all work groups related to the development of the Olmstead Compliance Plan are at a minimum comprised 25% by individuals with disabilities and 25 % by advocates or family members;
- (9)(A) No later than one year after the establishment of the Office, submit to the Mayor and Council an assessment of the existing resources, including staffing, available to each agency ADA Coordinator.
  - (B) The assessment shall include recommendations for the percentage of time that the ADA Coordinator at each agency should devote to duties under this act, and recommendations for any specific agencies which should designate a full-time ADA Coordinator. The Office shall base its recommendations on the following criteria:
    - (i) The frequency with which the agency works with members of the public who are individuals with disabilities or District employees who are individuals with disabilities;
    - (ii) The frequency with which the agency interacts with the general public;
    - (iii) The volume of reasonable accommodation requests processed by the agency;
    - (iv) The volume of discrimination complaints processed by the agency; and

(v) Any other criteria that the Office believes are relevant and establishes prior to its assessment of agencies, in consultation with the Mayor's Committee on Persons with Disabilities; and

(10) By January 1 of each year, submit to the Mayor and Council an annual status report on all activities required under this section.

Sec. 6. Plans and reports to be made available to the public.

(a) Agencies shall make all ADA plans and reports required under this act available on their websites and shall provide copies to the public upon request.

(b) The Office shall make all plans and reports required under this act available on its website and shall provide copies to the public upon request.

Sec. 7. Transfer of functions from the Mayor's Committee on Persons with Disabilities.

(a) As of October 1, 2008, the Mayor shall transfer to the Office all functions and records of the Mayor's Committee on Persons with Disabilities.

(b) The Mayor's Committee on Persons with Disabilities shall serve in an advisory capacity to the Office and shall be actively involved in the development of the ADA Compliance Program and the Olmstead Compliance Program.

Sec. 8. Transfer of functions from Office of Risk Management.

All functions, personnel, records, and property assigned to the Office of Risk Management under section IV(B)(1) of Mayor's Order 2006-58, issued May 23, 2006 (53 DCR 5314), shall be transferred to the Office of Disability Rights. This section shall apply 30 days after the date of the appointment of the Director of the Office.

Sec. 9. Rulemaking and interagency agreements.

(a) The Mayor shall promulgate rules as necessary to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, and days of Council recess. If the Council does not approve or disapprove the proposed rules by resolution within this 30-day period, the proposed rules shall be deemed approved.

(b) No later than 3 months after the effective date of this act, the Mayor shall issue rules which shall assign specified functions to agencies under Title I, II, III, and IV of the ADA and shall establish a process for regular interagency meetings of the agencies with assigned specified functions. The rules shall, at a minimum, address the functions specified in section IV-B of Mayor's Order 2006-58, issued on May 23, 2006.

(c) All agencies assigned specific functions under the rules described in subsection (b) of this section shall enter into a Memorandum of Agreement ("MOA") or a Memorandum of Understanding ("MOU") with the Office of Disability Rights. Each MOA or MOU shall describe operational and communication procedures for interaction with the Office.

Sec. 10. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

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DISTRICT OF COLUMBIA REGISTER

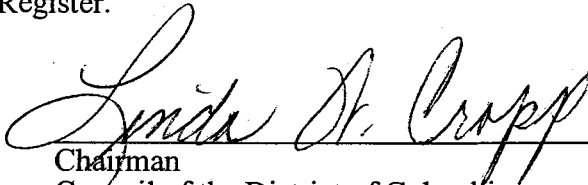
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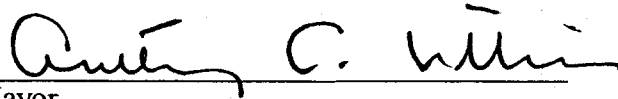
Sec. 11. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 12. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
December 28, 2006